

Agenda

Environmental Protection Commission

June 16, 1997

10:00 AM

DNR Air West Office, 7900 Hickman Road, Des Moines

Public Participation

APPOINTMENTS: Mark Rolinger (Item 21C - Advanced Tech. Referral) — — — 10:30 A.M.
Bill Smith (Item 21A - DeCoster Referral) — — — 2:00 p.m.
2:30 p.m.

Agenda topics

1. Approve Agenda
2. Approve Minutes of May 19, 1997
3. Director's Report Larry Wilson (Information)
4. Monthly Financial Status Report Stan Kuhn (Information)
5. Waste Tire Management County Grant Program Applications Selected Teresa Hay (Information)
6. Household Hazardous Materials Regional Collection Center Grant Contracts Teresa Hay (Decision)
7. Notice of Intended Action--Chapter 214, Household Hazardous Materials Program Teresa Hay (Decision)
8. Notice of Intended Action--Chapter 211, Grants for Regional Collection Centers Teresa Hay (Decision)
9. Monthly Reports Allan Stokes (Information)
10. Air Quality Program Status Update Allan Stokes (Information)
11. 1998 Laboratory Certification Agreement - University of Iowa Allan Stokes (Decision)
12. Interagency Agreement - Linn County Air Quality Program Allan Stokes (Decision)
13. Interagency Agreement - Polk County Air Quality Program Allan Stokes (Decision)
14. Agreement - University of Northern Iowa - Iowa Air Emissions Assistance Program Allan Stokes (Decision)

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15.	Interagency Agreement - DED Small Business Liaison for Air Quality	Allan Stokes (Decision)
16.	Final Rule--Chapters 22 and 23, Air Quality Emissions Guidelines for Municipal Solid Waste Landfills	Allan Stokes (Decision)
17.	State Plan for Implementing the Emissions Guidelines for Solid Waste Landfills	Allan Stokes (Decision)
18.	Notice of Intended Action--Chapter 64, General Permits, Stormwater	Allan Stokes (Decision)
19.	Proposed Rule--Chapter 65, Animal Feeding Operations	Allan Stokes (Information)
20.	Proposed Contested Case Decision--Weber Construction, Inc.	Allan Stokes (Decision)
21.	Referrals to the Attorney General <ul style="list-style-type: none"> a) A. J. DeCoster (Wright County) b) R B. Schoenherr, dba Long Branch Tavern (Monmouth) c) Advanced Technologies Corp. (Cedar Falls) 	Allan Stokes (Decision)
<i>Delete</i> 22.	Land Application Briefing	Allan Stokes (Information)
23.	General Discussion	
24.	Address Items for Next Meeting	
<div> <div>Next Meeting Dates</div> <div> July 21, 1997 August 18, 1997 September 15, 1997 </div> </div>		

ENVIRONMENTAL PROTECTION COMMISSION

Monday, June 16, 1997

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Kurt Huchman	CA/O	Des Moines
Richard Kelley	UHC	Dm
Donald Jordan	APAC	West Des Moines
Jane McAlister	Aubors	DSM
Juda King	IDED	DSM
Cathy Woollums	MidAmerican Energy	Davenport
Beth Shonto	MWA	Des Moines
Chris Hess	EPA	KC
Greg Henderson	IDED	DSM
John F. Mahle	Serra Club	DSM
DAN VEST	GROWMARK, INC.	Bloomington, IL
Angela Frey	LFB	DSM
Clayton R. Kolder	Brower Const	Sioux City IA.
Hal Norton	Des Moines Co. Reg./Solid Waste Comm.	Burlington
Mike McMillin	Iowa CCT	DSM
Meghan Anderson	Iowa Poultry Assn.	Ames

ENVIRONMENTAL PROTECTION COMMISSION

Monday, June 16, 1997

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

CHRIS GAULT

FARM Bureau

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RECORD COPY EPC Meeting
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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JUNE 16, 1997

INGRAM BUILDING - AIR WEST
7900 HICKMAN ROAD
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, June 16, 1997, in the Ingram Building, Air West Office, Des Moines, Iowa.

MEMBERS PRESENT

William Ehm, Chair
Randal Giannetto
Rozanne King
Dean McWilliams
Charlotte Mohr, Secretary
Gary Priebe
Terrance Townsend, Vice-Chair
Rita Venner

MEMBERS ABSENT

Kathryn Murphy

Director Wilson stated that Kathryn Murphy called and said she is unable to attend the meeting as she has a conflicting meeting today.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Mike Llewelyn (Item 21c, Advan.Tech. Referral) 2:00 p.m.
- Add: Appointment - Bill Smith (Item 21a, DeCoster Referral) 2:30 p.m.
- Add: General Discussion - Written Decision from AG's Office on Maple Grove
- Delete: Item #22, Land Application Briefing

Motion was made by Rozanne King to approve the agenda as amended. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Rozanne King to approve the meeting minutes of May 19, 1997, as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

COMMISSIONER RECOGNITION - PRESENTATION OF PLAQUE

Director Wilson presented Rozanne King with a plaque in appreciation for her service to the state and as Chairperson of the Commission for the past several years. He commended her on the good job she did as Chairperson.

Chairman Ehm thanked Commissioner King on behalf of the Commission for the work she put forth during her term as Chair.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

The 5/31/97 YTD division-level expenditure status report is attached.

Notes are appended to each division's status report regarding significant issues.

Parks staff is monitoring camping receipts closely. At this point, most of the park's budget overage will be covered by higher than budgeted camping receipts. Environmental Protection will exceed their General Fund allotment for livestock regulation. General fund transfers from Administration and the Director's office, Geology, and Forestry to Parks and Environmental Protection will be necessary.

Staff are currently updating FY98 revenue and expenditure projections to be consistent with the appropriations as passed by the 1997 G.A. Thus, the FY98 budget, as adjusted, will be available for review by July 1st. Following closely will be initial budget information relating to the FY99 budget request, scheduled for approval by both commissions at the September meeting.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 5/31/97	YTD Actual 5/31/97	Under (Over)
PERS SERV	977,916	1,179,858	1,038,275	901,638	136,637
PERS TRV IN	32,944	55,114	45,910	34,045	11,865
STATE VEHICL	3,897	7,791	7,168	4,840	2,328
VEHICLE LEASE	8,220	12,640	11,629	7,605	4,024
PERS TRV OUT	11,348	12,946	10,784	7,672	3,112
OFF SUPPLY	75,192	79,500	66,224	92,825	(26,602)
FAC MAINT SU	3,197	13,000	10,829	2,953	7,876
EQUIP MAINT	3,638	6,850	5,706	1,999	3,707
OTHER SUPPLY	73,889	104,950	87,423	89,903	(2,480)
PRINT & BIND	293,328	349,044	289,706	223,180	66,526
UNIFORMS	1,442	2,150	1,791	783	1,008
COMMUNICATIO	26,777	29,800	24,823	28,038	(3,215)
RENTALS	4,470	3,700	3,082	3,527	(445)
UTILITIES	229	750	625	195	430
PROF SERV	33,296	50,060	41,700	40,738	962
OUTSIDE SERV	73,860	46,619	38,834	56,606	(17,772)
ADVER PUB	0	5,000	4,165	308	3,857
DP-MAINFRAME	4,746	13,350	11,121	1,586	9,535
REIMBURSEMENT	796	525	437	2,808	(2,371)
EQUIPMENT	39,413	41,600	40,768	37,226	3,542
EQUIP NONINV	3,374	5,167	5,064	3,723	1,341
OTHER	551	2,650	2,207	971	1,236
LICENSES	0	0	0	30	(30)
	1,672,523	2,023,064	1,748,270	1,543,199	205,101

Note: Office Supplies is over budget in the Aquatic Education and Publications cost centers. Outside services is over in the publications area, related primarily to video production.

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 5/31/97	YTD Actual 5/31/97	Under (Over)
PERS SERV	3,579,613	3,864,278	3,400,565	3,242,813	157,752
PERS TRV IN	45,609	55,750	46,440	32,810	13,630
STATE VEHICL	56,635	56,000	51,520	59,485	(7,965)
VEHICLE LEASE	69,430	79,500	73,140	61,830	11,310
PERS TRV OUT	6,519	12,000	9,996	3,287	6,709
OFF SUPPLY	342,869	340,200	283,387	342,261	(58,874)
FAC MAINT SU	1,150	15,500	12,912	430	12,482
EQUIP MAINT	48,882	52,000	43,316	38,169	5,147
OTHER SUPPLY	8,190	10,400	8,663	2,911	5,752
PRINT & BIND	23,443	23,500	19,576	25,103	(5,528)
UNIFORMS	3,464	3,000	2,499	3,598	(1,099)
COMMUNICATIO	108,666	117,100	97,544	81,295	16,249
RENTALS	1,008	500	417	175	242
UTILITIES	0	0	0	128	(128)
PROF SERV	52,227	70,000	56,000	7,674	48,326
OUTSIDE SERV	81,237	64,500	53,729	114,449	(60,721)
ADVER PUB	528	500	417	145	272
DP-MAINFRAME	44,724	52,800	43,982	43,922	60
AUDITOR REIM	171,789	175,000	150,000	149,264	736
REIMBURSEMENT	156,555	152,750	127,241	110,537	16,704
EQUIPMENT	207,600	175,100	171,598	173,699	(2,101)
EQUIP NONINV	11,726	6,000	5,880	15,126	(9,246)
OTHER EXP	7,750	63,732	53,089	7,606	45,483
	5,029,614	5,390,110	4,711,908	4,516,717	195,191

Note: Vehicle Operations is over budget due to use of this account to pay unbudgeted federal gas tax. This overage will be reduced upon receipt of the related refunds. Outside Services is over due to the use of temporary help in several vacant positions and within Construction Services to assist with CCC project design. The temp help expenditures are being more than offset by a compensating surplus in the salary line item. Office supplies are over budget partially due to not charging back about \$16,500 in accumulated program postage, and a generally higher level of mailing costs and supplies than originally anticipated.

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 5/31/97	YTD Actual 5/31/97	Under (Over)
PERS SERV	4,503,676	4,692,353	4,129,271	4,157,167	(27,896)
SEASONAL WORKERS	1,361,773	1,330,264	1,011,001	979,160	31,841
PERS TRV IN	74,702	73,050	60,851	51,089	9,762
STATE VEHICL	193,493	201,300	185,196	221,381	(36,185)
VEHICLE LEASE	249,875	298,400	274,528	234,487	40,041
PERS TRV OUT	4,946	6,200	5,165	7,247	(2,082)
OFF SUPPLY	43,613	44,000	36,652	40,710	(4,058)
FAC MAINT SU	567,338	513,830	359,681	530,199	(170,518)
EQUIP MAINT	386,151	342,000	239,400	301,808	(62,408)
AG CONS SUPP	27,246	34,500	24,150	19,463	4,687
OTHER SUPPLY	45,807	40,600	28,420	30,435	(2,015)
PRINT & BIND	65,367	32,500	27,073	11,284	15,789
UNIFORMS	37,039	34,577	20,746	38,412	(17,666)
COMMUNICATIO	100,133	111,000	92,463	98,756	(6,293)
RENTALS	41,037	42,550	29,785	36,917	(7,132)
UTILITIES	473,985	454,000	317,800	395,669	(77,869)
PROF SERV	53,409	51,784	43,136	30,196	12,940
OUTSIDE SERV	227,655	206,500	144,550	168,367	(23,817)
ADVER PUB	1,963	1,050	875	1,286	(411)
DP-MAINFRAME	2,140	5,000	4,165	1,320	2,845
REIMBURSEMENT	10,573	7,375	6,143	6,814	(671)
EQUIPMENT	226,828	248,536	243,565	273,737	(30,172)
EQUIP NONINV	16,399	800	784	23,409	(22,625)
OTHER EXP	432	700	583	699	(116)
LICENSES	1,145	697	581	1,150	(569)
	8,716,725	8,773,566	7,286,562	7,661,162	(374,600)

Note: The division anticipates the budget overage will be covered by higher than budgeted camping receipts this spring, reductions in variable expenses through the end of the fiscal year, and general fund transfers from other DNR divisions, primarily Administrative Services and the Director's Office/I&E appropriation.

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 5/31/97	YTD Actual 5/31/97	Under (Over)
PERS SERV	1,802,802	1,877,565	1,652,257	1,609,768	42,489
SEASONAL WORKERS	87,467	122,362	92,995	68,251	24,744
PERS TRV IN	41,920	41,200	34,320	35,479	(1,159)
STATE VEHICL	66,912	77,500	71,300	69,513	1,787
VEHICLE LEASE	118,585	136,500	125,580	105,270	20,310
PERS TRV OUT	5,167	11,500	9,580	5,093	4,487
OFF SUPPLY	28,570	19,000	15,827	16,397	(570)
FAC MAINT SU	38,187	35,500	29,572	37,058	(7,487)
EQUIP MAINT	55,993	55,500	46,232	47,353	(1,122)
AG CONS SUPP	78,354	74,000	61,642	85,121	(23,479)
OTHER SUPPLY	21,580	38,000	31,654	30,045	1,609
PRINT & BIND	13,751	21,500	17,910	25,847	(7,938)
UNIFORMS	11,716	13,000	10,829	11,037	(208)
COMMUNICATIO	48,783	48,500	40,401	37,830	2,571
RENTALS	39,879	43,000	35,819	33,469	2,350
UTILITIES	32,136	31,000	25,823	27,345	(1,522)
PROF SERV	14,291	1,500	1,250	1,949	(700)
OUTSIDE SERV	72,153	53,500	44,566	40,711	3,855
ADVER PUB	289	500	417	182	235
DP-MAINFRAME	1,248	1,500	1,250	770	480
REIMBURSMENT	1,018	300	250	225	25
EQUIPMENT	39,392	66,285	64,959	90,394	(25,435)
EQUIP NONINV	1,192	9,574	9,383	4,327	5,056
OTHER EXP	42	0	0	63	(63)
	2,621,427	2,778,786	2,423,811	2,383,497	40,314

Note: Expenditures are over budget in several categories due to seasonal purchase of maintenance and supply items. Equipment is over budget, but, with possible minor exceptions, equipment purchases have been completed for the fiscal year. The division expects to end the fiscal year under budget. Possible budget surplus may be used to compensated for expected General Fund shortfalls in Parks and Environmental Protection.

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 5/31/97	YTD Actual 5/31/97	Under (Over)
PERS SERV	2,327,252	2,659,970	2,340,774	2,123,727	217,047
PERS TRV IN	23,745	40,168	33,460	14,657	18,803
STATE VEHICL	12,539	15,000	13,800	14,976	(1,176)
VEHICLE LEASE	12,230	14,000	12,880	7,020	5,860
PERS TRV OUT	42,688	74,336	61,922	34,094	27,828
OFF SUPPLY	30,382	34,858	29,037	23,543	5,494
FAC MAINT SU	623	1,500	1,250	1,732	(483)
EQUIP MAINT	1,837	3,200	2,666	1,530	1,136
PROF SUPPLY	1,465	1,434	1,195	120	1,075
OTHER SUPPLY	27,174	54,953	45,776	30,963	14,813
PRINT & BIND	36,466	54,573	45,459	22,119	23,340
UNIFORMS	1,321	1,300	1,083	15	1,068
COMMUNICATIO	40,490	41,350	34,445	32,342	2,103
RENTALS	2,112	2,500	2,083	2,579	(497)
UTILITIES	20,858	19,000	15,827	18,884	(3,057)
PROF SERV	943,476	1,129,990	903,992	604,243	299,749
OUTSIDE SERV	79,584	258,909	215,671	126,386	89,285
ADVER PUB	933	2500	2,083	1,480	603
OUT REPAIRS	14	500	417	653	(237)
DP-MAINFRAME	5,661	7,886	6,569	3,122	3,447
REIMBURSMENT	10,714	11,635	9,692	7,274	2,418
EQUIPMENT	160,016	148,767	145,792	104,456	41,336
EQUIP NONINV	11,516	21,854	21,417	10,900	10,517
OTHER	4843	5,762	4,800	4,515	285
	3,797,939	4,605,945	3,952,085	3,191,330	760,755

Note: Professional Services accounts for the majority of the budget surplus and results from lower than anticipated expenditures to date in several federally funded programs. Actual expenditures to date are significantly under budget in several support categories, but are similar to expenditure status at the same point last fiscal year.

ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 5/31/97	YTD Actual 5/31/97	Under (Over)
PERS SERV	8,780,016	10,642,911	9,365,762	8,460,137	905,625
PERS TRV IN	57,078	162,757	135,577	63,423	72,154
STATE VEHICL	39,981	58,550	53,866	53,130	736
VEHICLE LEASE	57,410	88,500	81,420	73,795	7,625
PERS TRV OUT	93,312	288,582	240,389	104,152	136,237
OFF SUPPLY	119,597	157,914	131,542	125,957	5,585
FAC MAINT SU	5,328	5,670	4,723	3,906	817
EQUIP MAINT	21,496	21,700	18,076	43,007	(24,931)
PROF SUPPLY	0	1,250	1,041	658	383
OTHER SUPPLY	14,901	39,684	33,057	25,716	7,341
PRINT & BIND	89,826	146,841	122,319	58,012	64,307
UNIFORMS	5,595	9,100	7,580	5,866	1,714
COMMUNICATIO	198,490	312,950	260,687	220,899	39,788
RENTALS	117,346	513,800	427,995	448,826	(20,831)
UTILITIES	23,352	24,400	20,325	21,964	(1,639)
PROF SERV	3,944,014	5,409,124	4,327,299	3,275,151	1,052,148
OUTSIDE SERV	79,547	171,400	142,776	155,427	(12,651)
ADVER PUB	8,310	11,626	9,684	7,477	2,207
DP-MAINFRAME	170,417	226,437	188,622	81,314	107,308
REIMBURSEMENT	57,442	64,500	53,729	63,058	(9,330)
EQUIPMENT	1,759,294	2,011,357	1,971,130	1,931,161	39,969
EQUIP SMALL	43,927	37,765	37,010	114,698	(77,688)
OTHER EXP	19,599	15,750	13,120	25,821	(12,701)
	15,706,278	20,422,568	17,647,729	15,363,555	2,284,174

Note: The budget surplus is due primarily to vacancies and professional services. The division's vacancy factory, on an annualized basis is 12.5% with the Air Bureau's rate at 21%. The budget surplus in professional services relates primarily to the Air To-Date expenditure being at 50% of the budgeted \$2.7 million, with the fiscal year being approximately 80% completed. The Water Quality Bureau's professional service expenditure to date is 77% of the budgeted \$1.9 million with most of the under budget status accounted for in the 319 planning and federally funded flood studies. Livestock regulation, funded by the General Fund, is expected to exceed budget by approximately \$75,000.

FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 5/31/97	YTD Actual 5/31/97	Under (Over)
PERS SERV	12,402,330	13,010,232	11,449,004	11,488,689	(39,685)
SEASONAL WORKERS	805,914	837,412	636,433	673,217	(36,784)
PERS TRV IN	350,926	363,240	302,579	306,625	(4,046)
STATE VEHICL	506,847	512,700	471,684	563,088	(91,404)
VEHICLE LEASE	707,360	757,696	697,080	629,850	67,230
PERS TRV OUT	37,513	51,400	42,816	50,836	(8,020)
OFF SUPPLY	266,399	254,818	212,263	212,087	176
FAC MAINT SU	336,977	453,707	377,938	263,149	114,789
EQUIP MAINT	480,781	353,036	294,079	397,529	(103,450)
PROF SUPPLY	0	10,000	8,330	0	8,330
AG CONS SUPP	319,951	393,858	328,084	261,387	66,697
OTHER SUPPLY	193,323	113,077	94,193	180,736	(86,543)
PRINT & BIND	338,250	313,989	261,553	278,643	(17,090)
UNIFORMS	136,027	132,125	79,275	136,409	(57,134)
COMMUNICATIO	296,015	301,600	251,233	262,538	(11,305)
RENTALS	59,319	65,160	54,278	55,097	(819)
UTILITIES	234,382	242,216	201,766	209,942	(8,176)
PROF SERV	361,161	385,666	308,533	288,388	20,145
OUTSIDE SERV	175,192	171,862	143,161	113,293	29,868
ADVER PUB	4,349	23,600	19,659	3,192	16,467
DP-MAINFRAME	86,521	64,000	53,312	79,363	(26,051)
REIMBURSEMENT	82,648	120,751	100,586	54,169	46,417
EQUIPMENT	696,546	765,135	749,832	524,109	225,723
EQUIP NONINV	76,387	102,875	100,818	74,901	25,917
OTHER EXP	40,817	44,353	36,946	40,353	(3,407)
LICENSES	217	300	250	0	250
	18,996,152	19,844,808	17,275,685	17,147,590	128,095

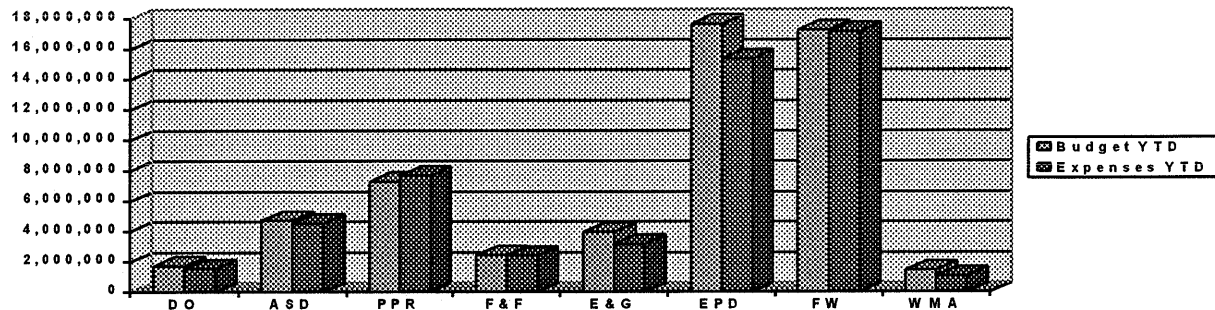
Note: Within the division, the Enforcement bureau is over budget and the Fisheries and Wildlife bureaus are under budget. On a weighted average basis, expenditures should be at 87%. Enforcement is at 91%, Fisheries is at 84% and Wildlife at 87%.

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 5/31/97	YTD Actual 5/31/97	Under (Over)
PERS SERV	772,841	897,571	789,862	727,321	62,541
PERS TRV IN	28,797	60,855	50,692	35,448	15,244
STATE VEHICL	0	0	0	48	(48)
PERS TRV OUT	20,579	37,505	31,242	15,394	15,848
OFF SUPPLY	13,475	60,172	50,123	28,079	22,044
EQUIP MAINT	1,192	915	762	641	121
OTHER SUPPLY	34,090	13,270	11,054	22,832	(11,778)
PRINT & BIND	43,742	109,393	91,124	52,477	38,647
UNIFORMS	28	0	0	0	0
COMMUNICATIO	15,567	20,000	16,660	11962	4,698
RENTALS	776	4,390	3,657	2827	830
PROF SERV	62,065	392,413	313,930	81142	232,788
OUTSIDE SERV	8,855	11,835	9,859	7623	2,236
ADVER PUB	8,101	12,475	10,392	5540	4,852
DP-MAINFRAME	2,737	3,900	3,249	1650	1,599
REIMBURSEMENT	33,075	59,870	49,872	47880	1,992
EQUIPMENT-LARGE	34,166	12,610	12,358	8933	3,425
EQUIPMENT-SMALL	1136	4964	4,865	4,283	582
OTHER	5,628	6,700	5,581	6,317	(736)
	1,086,850	1,708,838	1,455,282	1,060,397	394,885

Note: The budget surplus results from expenditures for Professional Services being significantly under budget in the Planning Grants and Waste Reduction cost centers. Similarly, the categories of Printing and Office Supplies are significantly under budget in the Household Hazardous Waste cost center.

DNR Division Level YTD Expenditures
May 31, 1997



Mr. Slatterly reviewed the reports for each division noting that most of the divisions are within their budgets. He related that Parks Division is over budget and Environmental Protection Division is over budget from a General Fund perspective.

Brief discussion followed.

INFORMATIONAL ONLY

WASTE TIRE MANAGEMENT COUNTY GRANT PROGRAM APPLICATIONS SELECTED

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Iowa General Assembly adopted comprehensive waste tire management legislation, HF 2433, during the 1996 session. One of several components within HF2433 included a grant program for counties, designed to promote the safe collection and proper management of waste tires at the community level. Administrative rules for the grant program have been established under Chapter 215, Waste Tire Management County Grant Program.

~~The program's grant funding is available to counties on a competitive basis, through an annual grant application process. Grant funding is available for six fiscal years (1997-2002), and grant awards will be allocated to county boards of supervisors, or to designees of each board, for which a grant application has been approved by the Department. Designees may include public or private entities. Grants will be used for establishing and implementing local waste tire management programs, including the designation and operation of a site or sites within each participating county for the collection of waste tires without charge from eligible parties. The maximum grant amount available to a county each year is based on the population of the county.~~

The Department has accepted and reviewed 42 applications for fiscal year 1998 funds which are currently available, representing a total of 67 counties (8 regional applications representing multiple counties were received). A total of \$1,213,298 was requested from the applicants, with \$1,000,000 available for allocation. Thirty-eight (38) applications were selected for receipt of a total of \$1,000,000 in grant funds. The following table provides a listing of all grant applicants selected by the Department for grant awards in fiscal year 1998.

All of the applicants recommended for funding plan to implement waste tire collection programs and activities whereby county residents may deposit waste tires at certain locations, such as local landfills, recycling centers, fairgrounds, county or city maintenance shops, etc. All programs will include an educational and publicity component in which information will be provided to the public describing hazards created by improper disposal of waste tires, recycling options available in the local area for waste tire management, and methods to increase the usable life of tires. All recommended programs have identified a processor or method of beneficial end use for the waste tires to be collected through the program. It is anticipated that those contracts of \$25,000 or greater will be presented to the Commission for approval at the July 1997 Commission meeting.

APPLICANT	COUNTY (ies) REPRESENTED	FUNDING ALLOCATED
Adair County Sanitary Landfill Commission	Adair	\$15,000
Allamakee County Solid Waste Commission	Allamakee	15,000
Buena Vista County Environmental Health	Buena Vista, Cherokee	30,000
Butler County Solid Waste Commission	Butler	10,000
Cedar County Solid Waste Commission	Cedar	10,000
Clarke County Landfill Commission	Clarke	15,000
Clinton County Area Solid Waste Agency	Clinton	15,000
Council Bluffs Health Department	Pottawattamie	20,000
Dallas County Board of Supervisors	Dallas	15,000

Dubuque Metropolitan Area Solid Waste Agency	Dubuque	30,000
East Central Iowa Council of Governments	Benton, Iowa, Tama, Johnson, Jones, Linn	140,000
Fayette County Conservation Board	Fayette	15,000
Guthrie County Board of Supervisors	Guthrie	15,000
Hardin County Solid Waste Commission	Hardin	10,000
Harrison County Landfill Commission	Harrison	15,000
Howard County Department of Waste Management	Howard	10,000
Jackson County Board of Supervisors	Jackson	15,000
Jasper County Board of Supervisors	Jasper	15,000
Madison County Board of Supervisors	Madison	10,000
Marshall County Solid Waste Management	Marshall	15,000
Metro Waste Authority	Polk	64,500
Monona County Landfill Agency	Monona	10,000
Muscatine County Board of Supervisors	Muscatine	15,000
North Iowa Area Council of Governments	Cerro Gordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago, Worth	120,000
Page County Landfill Association	Page	15,000
Plymouth County Solid Waste Agency	Plymouth	15,000
Rathbun Area Solid Waste Commission	Appanoose	15,000
Ringgold County Board of Supervisors	Ringgold	11,000
Scott County Board of Supervisors	Scott	50,000
South Central Iowa Solid Waste Agency	Lucas, Marion, Monroe, Poweshiek	60,000
Southeast Iowa Multi-County Solid Waste Agency	Jefferson, Keokuk Washington	22,500
Story County Health Department	Story	30,000
Union County Landfill Commission	Adams, Taylor, Union	34,500
Warren County Board of Supervisors	Warren	10,000
Wayne County Board of Supervisors	Wayne	7,500
West Central Iowa Solid Waste Management	Audubon, Carroll, Crawford, Ida, Shelby	75,000
Wright County Board of Supervisors	Wright	10,000

Ms. Hay reviewed details of the applications.

Rita Venner asked if the amounts were pro-rated according to county size.

Ms. Hay answered affirmatively noting that it is set out in the law how much is available based on population.

Ms. Hay distributed copies of a map showing waste tire stockpile locations in Iowa along with a list of the sites, their location, and the tire quantity at each site.

Also discussed were uses for the waste tires, accountability for the money, and limits to administrative costs.

INFORMATIONAL ONLY

~~HOUSEHOLD HAZARDOUS MATERIALS REGIONAL COLLECTION CENTER GRANT~~ **CONTRACTS**

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

In FY 1995 and 1996, proposals were solicited throughout the state for hosts for Regional Collection Center (RCC) grants. A RCC is a secured site or facility at which collection, sorting as to type, and packaging of hazardous waste materials from urban and rural households and conditionally exempt small quantity generators (CESQG) are conducted prior to transportation of these wastes to a final disposal site.

After evaluation, the Dubuque Metropolitan Area Solid Waste Agency and the Bluestem Solid Waste Agency proposals were selected for a RCC establishment grant.

The Dubuque Metropolitan Area Solid Waste Agency has requested a grant of \$100,000 to assist in the establishment of their RCC. This RCC will consist of a permanent fixed collection and reuse building as well as a mobile collection unit to conduct one day household hazardous waste collections in the region. The region served by this center includes all of Dubuque and Fayette County. Future expansion of the region covered could include Allamakee, Clayton, Delaware, and Winnisheik Counties.

The Bluestem Solid Waste Agency has requested a grant of \$100,000 to assist in the establishment of their RCC. This RCC will consist of a permanent fixed collection and reuse building. The region served by this center includes all of Linn County. Future expansion of the region served could include Benton, Iowa, Johnson, Jones, and Tama Counties.

A draft of the Scope of Work, Milestones and Budget for both contracts is attached. Approval is requested to enter into a contract with the Dubuque Metropolitan Area Solid Waste Agency and the Bluestem Solid Waste Agency.

(A copy of the Scope of Work for each contract is on file in the department's Records Center)

Ms. Hay reviewed details of each contract and noted there is a definite need for these kinds of facilities.

Discussion followed in regard to the grants offsetting cost of the projects; the amount of material received during three days of materials collection at Scott County; 5-6 RCC's already in operation in the state; and grantees not being limited to use the funds for building construction only.

Motion was made by Charlotte Mohr to approve the HHM Regional Collection Center Grants for Dubuque Metropolitan Area Solid Waste Agency and Bluestem Solid Waste Agency as presented. Seconded by Dean McWilliams. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 214, HOUSEHOLD HAZARDOUS MATERIALS PROGRAM

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The commission is requested to approve the proposed Notice of Intended Action to amend Chapter 214, Household Hazardous Materials Program. Subparagraph 214.11 describes how the regional collection center (RCC) transportation and disposal funding will be allocated to operating RCCs. Funding for RCC disposal assistance is allocated for this purpose by Iowa Code section 455E.11(2)"a"(2)(e). RCCs collect hazardous wastes from households as well as conditionally exempt small quantity generators as allowed in 455F.8A(2)d for proper disposal by a licensed hazardous waste contractor.

Three changes are proposed as follows:

- The first adds conditionally exempt small quantity generators as their wastes are also accepted at RCCs.
- The second, for consistency, requires all RCCs to report their specific collection information on a form supplied by the department. The RCCs have seen, commented on and tested this form. The form that is used is similar to a form used for national reporting of these statistics.
- The third requires the RCCs to report their collection information by September 1 rather than July 1. Changing the reporting date to September 1, will provide the RCCs with a more reasonable timeframe to gather their final poundages for the fiscal year before the deadline for submittal of the form. Also the department will not know the amount of available funding in the account until September due to the timing by which tonnage fees are submitted to the state.

ENVIRONMENTAL PROTECTION COMMISSION [567] NOTICE OF INTENDED ACTION

Pursuant to the authority of Iowa Code section 455A.6, the Environmental Protection Commission gives notice of Intended Action to amend Chapter 214, Household Hazardous Materials Program," Iowa Administrative Code.

The amendments to subparagraph 214.11, include adding conditionally exempt small quantity generators as their wastes are also accepted at RCCs. The second change, for consistency, requires all RCCs to report their specific collection information on a form supplied by the department. ~~The RCCs have seen, commented on and tested this form. The form used is similar~~ to a form used for national reporting of these statistics. The third change requires the RCCs to report their collection information by September 1 rather than July 1. Changing the reporting date to September 1, will provide the RCCs with a more reasonable timeframe to gather their final poundages for the fiscal year before the deadline for submittal of the form. Also the department will not know the amount of available funding in the account until September due to the timing by which tonnage fees are submitted to the state.

Any interested person may make written suggestions or comments on the amendments to the rule proposed in this Notice of Intended Action prior to _____, _____. Such written comments should be directed to Jeff Fiagle, Waste Management Assistance Division, Department of Natural Resources, 502 East Ninth Street, Des Moines, Iowa 50319-0034; Fax (515) 281-8895. Person who wish to convey their views orally should contact Jeff Fiagle, Waste Management Assistance Division at telephone (515) 281-5859 or at the offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa.

Persons are also invited to present oral or written comments at a public hearing which will be held _____, __, at _____ in the _____ of the Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa. At the hearing persons will be asked to give their names and addresses for the record, and to confine their remarks to the subject of the rule.

The following amendment is proposed.

Amend subparagraph 214.11 as follows:

567--214.11(455F) Regional collection center household hazardous material disposal funding. All RCCs are eligible to receive funding from the department to offset the cost associated with proper disposal of household hazardous waste by a hazardous waste contractor. The source for this funding is additional 3 percent described in Iowa Code Supplement section 455E.11(2)"a"(2)(e) ~~is the source for this funding.~~

RCCs will receive a percentage of the total funds accumulated in this account in an amount equal to the percentage each RCC collected compared to the total amount collected by all RCCs in each fiscal year based on the weight of materials collected from urban and rural households and conditionally exempt small quantity generators. To be eligible to ~~To~~ receive disposal funding assistance, an RCC must report the following information to the department by September 1 ~~July 1~~ of each year for the fiscal year ending the previous June 30, using a form supplied by the department.

1. Number of households bringing waste to the facility.

2. Poundage of household hazardous waste received.
3. Categories of household hazardous waste received.
4. Number of conditionally exempt small quantity generators bringing waste to the facility.
5. Poundage of hazardous waste received from conditionally exempt small quantity generators.
6. Categories of hazardous waste received from conditionally exempt small quantity generators.

~~A fiscal year will be from July 1 of the previous year to June 30 of the current year. Water-based paint, waste oil and lead acid battery weights are not considered eligible poundages.~~

These rules are intended to implement Iowa Code sections 455F.8, 455F.8B and 455F.9.

Ms. Hay gave a detailed explanation of the proposed changes to the rules noting that they provide for more consistency and better reporting.

Motion was made by Rita Venner to approve Notice of Intended Action--Chapter 214, Household Hazardous Materials Program. Seconded by Rozanne King.

Discussion took place in regard to the pro-rated amounts and possibly using a fixed cost amount first.

Ms. Hay noted that the areas with higher population have a higher volume waste and are sending more money in to the fund, and in giving a flat amount to everyone before pro-rating would essentially have the larger areas subsidizing the smaller ones. She related that perhaps some time in the future the department may need to review how the money is distributed.

Gary Priebe commented that it would work more efficiently to readjust the tonnage fees and let them keep it rather than sending it in and then the department having to send it back out to them.

Chairman Ehm stated that would probably have to be done in the legislature and the Commission may want, at some time in the future, to review it and make a recommendation to the legislature.

Vote on Commissioner Venner's motion to approve the Notice of Intended Action carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 211, GRANTS FOR REGIONAL COLLECTION CENTERS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The commission is requested to approve the proposed Notice of Intended Action to amend Chapter 211, Grants For Regional Collection Centers (RCC) of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes. This chapter describes the process by which the department will award funds for establishment and operation of a RCC. RCCs collect hazardous wastes from households as well as conditionally exempt small quantity generators as allowed in 455F.8A(2)d for proper disposal by a licensed hazardous waste contractor. The funding source for this grant program is portion of the state solid waste tonnage fee described in ~~Iowa Code section 455E.11(2)"a"(2)(d).~~

The proposed changes describe the method of dispersing RCC funds to eligible operating RCCs in support of their operation. The proposed changes are as follows:

- The first change adds a provision for operations support into subparagraph 211.2.
- The second, for consistency, requires all RCCs to report their specific collection information on a form supplied by the department. The RCCs have seen, commented on and tested this form. The form that is used is similar to a form used for national reporting of these statistics.
- The third requires the RCCs to report their collection information by September 1 as in the amendment to chapter 214.11. A September 1, reporting date will provide the RCCs with a more reasonable timeframe to gather their final poundages for the fiscal year before the deadline for submittal of the form. Also the department will not know the amount of available funding in the account until September due to the timing by which tonnage fees are submitted to the state.
- This amendment also describes the process for dispersing RCC operation support funds to eligible operating RCCs. In this process RCCs are required to use a form, supplied by the department, to report the waste collected. The department will calculate the percentage of eligible wastes each RCC collected compared to the total poundage of wastes collected by all operating RCCs. Funds will be allocated in an amount equal to the calculated percentage for RCC operations support. The same process will be used to allocate RCC disposal funding as described in chapter 214.11. RCC establishment grant funding will have priority for funding over operations support.

The amended portions of Chapter 211 are attached.

ENVIRONMENTAL PROTECTION COMMISSION [567] NOTICE OF INTENDED ACTION

Pursuant to the authority of Iowa Code section 455A.6, the Environmental Protection Commission gives notice of Intended Action to amend Chapter 211, "Grants For Regional Collection Centers Of Conditionally Exempt Small Quantity Generators And Household Hazardous Wastes," Iowa Administrative Code.

The proposed changes describe the method of dispersing RCC funds to eligible operating RCCs in support of their operation. The first change adds a provision for operations support into subparagraph 211.2. The second change describes the process for dispersing the RCC operation support funding to eligible operating RCCs. In this process RCCs are required to use a form,

supplied by the department, to report the waste collected. The department will calculate the percentage of eligible wastes each RCC collected compared to the total poundage of wastes collected by all operating RCCs. Funds will be allocated in an amount equal to the calculated percentage for RCC operations support. The same process will be used to allocate RCC disposal funding as described in chapter 214.11. RCC establishment grant funding will have priority for funding over operations support.

~~Any interested person may make written suggestions or comments on the amendments to the rule proposed in this Notice of Intended Action prior to _____, _____. Such written comments should be directed to Jeff Fiagle, Waste Management Assistance Division, Department of Natural Resources, 502 East Ninth Street, Des Moines, Iowa 50319-0034; Fax (515) 281-8895. Person who wish to convey their views orally should contact Jeff Fiagle, Waste Management Assistance Division at telephone (515) 281-5859 or at the offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa.~~

Persons are also invited to present oral or written comments at a public hearing which will be held _____, __, at _____ in the _____ of the Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa. At the hearing persons will be asked to give their names and addresses for the record, and to confine their remarks to the subject of the rule.

The following amendments are proposed.

Amend subparagraph 211.2 as follows:

567—211.2(455F) Purpose. The purpose of this program is to provide grants to regional governments to cover costs associated with education, operations and the capital outlay for construction or modification of a structure(s) to serve as a regional collection center.

Amend Chapter 211 by adding subparagraph 211.11 as follows:

567--211.11(455F) RCC operations support. The department may provide grants to establish RCCs to applicants who have met criteria described in 211.8. Funds not obligated for the establishment of RCCs may be dispersed to eligible operating RCCs as operations support. Operations support funding will assist RCCs with the costs associated with day-to-day operations. A RCC shall not be awarded operations support funding in excess of actual operations cost as reported on the disposal funding report form as required in chapter 214.11. The total operations support funding awarded in total to all eligible RCCs shall not exceed the amount of available funding

To be eligible to receive RCC operations support, RCCs must meet the requirements described in 214.11. The method to determine the percentage of operations support funds that each eligible RCC may receive is also described in Chapter 214.11. Funding assistance under this chapter may be dispersed to eligible operating RCCs at the same time as the RCC household hazardous material disposal funding, chapter 214.11.

Grants to establish RCCs will have priority for funding over operations support.

Ms. Hay explained the rules in detail noting that the rules will provide consistency around the state as well consistency with information that is gathered nationally. She related that these rules work in tandem with the Chapter 214 rules.

Motion was made by Dean McWilliams to approve Notice of Intended Action--Chapter 211, Grants for RCC's of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes. Seconded by Rita Venner.

Terrance Townsend asked why the same information is being required again.

Ms. Hay stated that the change in this rule would allow use of funding for operations support, which it did not do previously. She related that Chapter 211 previously dealt only with providing money to establish a regional collection center, and now it will provide for establishment of a collection center or operational assistance.

Chairman Ehm asked if it could be misconstrued and people may think they have to submit two forms of the same thing.

Ms. Hay replied that they shouldn't be under the impression that they have to do two separate things and pointed out where that is clarified in the rules.

Vote on Commissioner McWilliams motion to approve the Notice of Intended Action carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Chairman Ehm announced public participation at 10:50 a.m.; no one requested to speak.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report

5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT June 1, 1997

Proposal	Notice to Comm	Notice Publish	Rules Review Comm	Hearing	Final Summary to Comm	Rules Adopted	Rules Publish	Rules Review Comm.	Rule Effective
1. Ch. 22, 23 - Air Quality-Emission Guidelines for Municipal Solid Waste Landfills	2/17/97	3/12/97	4/08/97	4/11/97	6/16/97	*6/16/97	*7/16/97	*8/11/97	*8/20/97
2. Ch. 64 - General Permits --Stormwater	6/16/97	*7/16/97	*8/11/97	*8/ /97	*9/15/97	*9/15/97	*10/08/97	*11/10/97	*11/12/97
3. Ch. 65 - Animal Feeding Operations	*7/21/97	*8/13/97	*9/08/97	-----	*10/20/97	*10/20/97	*11/19/97	*12/08/97	*12/24/97
4. Ch. 211 - Grants for Regional Collection Centers	6/16/97	*7/16/97	*8/11/97	-----	*9/15/97	*9/15/97	*10/08/97	*11/10/97	*11/12/97
5. Ch. 213 - Packaging ---Heavy Metal Content	5/19/97	6/18/97	*7/08/97	*7/08/97	*8/18/97	*8/18/97	*9/10/97	*10/06/97	*10/15/97
6. Ch. 214 - Household Hazardous Materials Program	6/16/97	*7/16/97	*8/11/97	-----	*9/15/97	*9/15/97	*10/08/97	*11/10/97	*11/12/97
7. Ch. 216 - Regents Tire Derived Fuel Program	1/21/97	2/12/97	3/03/97	3/05/97	4/21/97	4/21/97	5/21/97	6/10/97	*6/25/97
8. Ch. 217 - Waste Tire Processor Incentive Program	1/21/97	2/12/97	3/03/97	3/05/97	4/21/97	4/21/97	5/21/97	6/10/97	*6/25/97
9. Ch. 218 - Waste Tire Stockpile Abatement Program	5/19/97	6/18/97	*7/08/97	*7/ /97	*8/18/97	*8/18/97	*9/10/97	*10/06/97	*10/15/97

MONTHLY VARIANCE REPORT - JUNE 1997

No.	Facility	Program	Engineer	Subject	Decision	Date
1	Amana Refrigeration Inc.-	Air Quality		Permit Requirements	Denied	05/06/97
2	Council Bluffs, City of	Wastewater	HGM Associates	Sewer Grade	Approved	05/01/97
3	IDOT-U.S.Highway 520 Dike Bypass-Grundy County	Flood Plain		Percent Length Reduction	Approved	05/05/97
4	S.E. Des Moines Stormwater Detention Pond #5	Flood Plain	Snyder & Associates, Inc.	Freeboard	Approved	05/28/97
5	S.E. Des Moines Stormwater Detention Pond #8	Flood Plain	Snyder & Associates, Inc.	Freeboard	Approved	05/28/97
6	Station Street Bridge-Otter Creek-City of Chelsea	Flood Plain	Calhoun-Burns and Associates, Inc.	Freeboard	Approved	05/27/97

7	Adams Foundry Waste Disposal Facility-Council Bluffs	Solid Waste	Montgomery Watson	Permit Exemption	Approved	05/06/97
8	Neal North Ash Landfill-Woodbury County	Solid Waste	Montgomery Watson	Gas Control	Approved	05/28/97
9	Road Rights-of-Way-Decatur County	Solid Waste	Decatur County Engineer	Permit Exemption	Approved	05/20/97
10	Wayne-Ringgold-Decatur County Sanitary Landfill-Decatur County	Solid Waste	Barker Environmental Services, Inc.	Groundwater Monitoring	Approved	05/07/97
11	Mitchell Dam Bar-City of Mitchell -(Stanley R. Walk, Applicant)	Watersupply		Siting Criteria	Denied	05/09/97
12	Mitchell Dam Bar-City of Mitchell-(Stanley R. Walk, Applicant)	Watersupply		Design Basis	Denied	05/09/97
13	Wallace Foundation Learning Center-Pottawattamie County	Watersupply Construction	Snyder & Associates, Inc.	Construction Materials	Approved	05/02/97

MONTHLY SPILL REPORT - MAY 1997

From May 1, 1997, through May 31, 1997, 103 reports of hazardous conditions were received. A general summary and count by field office is presented below.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	52(64)	28(37)	10(9)	14(18)	31(21)	0(0)	13(35)	4(3)	0(1)	4(4)
Nov.	33(52)	18(34)	9(7)	6(11)	16(25)	0(4)	12(21)	2(1)	0(0)	3(1)
Dec.	33(56)	20(30)	3(11)	10(15)	16(28)	1(2)	12(21)	0(2)	1(1)	3(2)
Jan.	39(42)	28(18)	49(10)	7(14)	20(24)	1(0)	15(13)	2(1)	0(0)	1(4)
Feb.	54(55)	29(36)	7(11)	18(8)	29(37)	2(1)	20(12)	1(2)	2(1)	0(2)
Mar.	53(59)	37(44)	9(6)	7(9)	29(29)	0(0)	16(28)	4(0)	0(0)	4(2)
Apr.	64(93)	33(41)	25(37)	6(15)	28(37)	0(1)	30(36)	2(3)	0(2)	4(14)
May	103(100)	35(46)	53(34)	15(20)	33(31)	2(2)	61(58)	4(1)	1(0)	2(8)

(numbers in parentheses for the same period in fiscal year '96)

ENFORCEMENT REPORT

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Al DeCarlo Demolition Co., Des Moines (5)	Air Quality	Asbestos	Order/Penalty \$5,000	5/09/97
Robert Jeff White, Dallas	Air Quality;	Open Burning;	Order/Penalty	5/09/97

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Co. (5)	Solid Waste	Illegal Disposal	\$10,000	
Bob Luke d/b/a D & R Tree Service, Washington (6)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	5/13/97
Lafarge Corporation, Buffalo (6)	Air Quality	Other Violations	Consent Order	5/22/97
Kruger Seed Company, Dike (2)	Air Quality	Construction Without Permit	Order/Penalty \$3,000	5/22/97
Fibred-Iowa, Inc., Iowa Falls (2)	Air Quality	Construction Without Permit	Order/Penalty \$2,000	5/22/97
Ritchie Industries, Inc., Conrad (2)	Air Quality	Construction Without Permit	Order/Penalty \$3,000	5/22/97
Linwood Mining & Minerals Corp., Buffalo (6)	Air Quality	Other Violations	Consent Order	5/30/97
Muscatine, City of (6)	Solid Waste	Permit Condition Violations; Cover Violations	Order/Penalty \$2,000	5/30/97

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95

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Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	3-11-96
C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
Ainsworth, City of	WS	150	5-03-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
*Woden-Crystal Lake Comm. School District (Crystal lake)	AQ	1,000	8-01-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
*Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	500	9-22-96
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
Howard Victor and Wanda Victor (Des Moines)	UT	10,000	10-21-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Gassman's MHP & Spruce Harbor Inn (Dubuque)	WS	4,500	12-26-96
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
#Eugene VanDenBerghe (Scott Co.)	WW	2,000	1-06-97
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
*First United Methodist Church (Ft. Madison)	AQ	500	2-01-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
*Orville Long (Polk Co.)	SW	400	3-10-97
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Thurman, City of	WR	100	3-17-97
Ballard Golf & Country Club (Story Co.)	WR	100	3-23-97

*#Gary Watson (Cerro Gordo Co.)	WW	350	4-01-97
Rodney, City of	WS	100	4-07-97
#Grand Prix Pork, Ltd. (Kossuth Co.)	WW	1,000	4-14-97
Hofer's Danceland Ballroom (Walford)	WS	3,188	4-19-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,630	5-05-97
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Tom Ashland (Clear Lake)	UT	5,300	6-04-97
Randy Harbach; Randy's Sanitation; Randy Harbach Enterprises (Delaware Co.)	SW	2,000	6-15-97
Nature of Iowa, Inc. (Humboldt Co.)	WW	1,000	6-15-97
Al DeCarlo Demolition Co. (Des Moines)	AQ	5,000	7-12-97
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Bob Luke d/b/a D & R Tree Service (Washington)	AQ/SW	1,000	7-17-97
Deer Ridge Estates (Ottumwa)	WS	100	-----
Kruger Seed Co. (Dike)	AQ	3,000	-----
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	-----
Ritchie Industries, Inc. (Conrad)	AQ	3,000	-----
Muscatine, City of	SW	2,000	-----
TOTAL		167,538	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
TOTAL		26,479	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000

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Mulgrew Oil Company (Dubuque)	HC	500
Charles Kerr (Sloan)	UT	600
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Richard Beckett (Villisca)	UT	1,300
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000

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Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	AQ/SW	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Jolly Roger Campground & Marina (North Liberty)	WW	1,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
#Marlin Brenneman (Iowa Co.)	WW	3,000
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
#C & I Eggs (Webster Co.)	WW	3,000
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Winsor Oil Co., Inc.; Joyce Winsor (Vinton)	UT	1,500
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Becker Gravel Company, Inc. (Stratford)	WW/FP	3,000
Ron Rupe (Polk Co.)	SW	2,000
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
Dakota Mobile Home Park (Oxford)	WW	2,550
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000

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Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	4,000
Marvin Low d/b/a Low's DX (Toledo)	UT	10,000
Carroll, City of	WS	3,000
Todd L. Salow (Washington)	AQ/SW	5,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
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Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000
#Rod Bice (Boone Co.)	WW	500
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Craig Burgin (Indianola)	UT	600
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Carroll Etchen (Clear Lake)	UT	10,000
TOTAL		428,253

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Iowa Tanklines, Inc. (Des Moines/Webster City)	UT	500
#Practical Pig Corp. (Clinton Co.)	WW	2,000
Galva Union Elevator Co. (Galva)	UT	750
Holland, City of	WS	275
Leroy Navratil d/b/a Navratil Excavating (Plymouth)	AQ/SW	300
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	750
TOTAL		4,575

The \$100 penalty assessed to the Sportsmen's Club (Waukon) was waived 5/7/97.

ATTORNEY GENERAL REFERRALS

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96
Beaver, Jody	Solid Waste	Illegal Disposal		Referred	7/28/95

Cedar Co. (6)	Air Quality	Open Burning	Order/Penalty		
DeCoster, A.J. Wright Co. (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief Hearing on Motion for Separate Trials Order Denying Defendant's Motion Defendant's Motion to Compel State's Motion to Extend Pleadings Hearing Order Denying Defendant's Motion Order Granting State's Motion Defendants Motion for Reconsideration Order Denying Defendant's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial Closing Arguments Post Trial Briefs Ruling (\$59,000/Civil) Defendant 179(b) Motion Defendant's Notice of Appeal	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96 6/03/96 6/28/96 10/03/96 10/15/96 10/21/96 10/28/96 10/28/96 11/06/96 11/21/96 11/27/96 12/20/96 12/20/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97 3/28/97 4/04/97
DeCoster, A.J. Nursery Unit #3 Wright Co. (2) Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2) Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Trial Date	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 9/16/97
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
Economy Solar Corp./Central Community School DeWitt (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/17/95 1/03/97

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Economy Solar Corp. Cedar Rapids (1)	Air Quality	Penalty Collection	Order/Penalty	Referred	6/17/96
ESCORP/Cryotech Ft. Madison (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/17/95 4/11/97
ESCORP Associates, Ltd; Arnold Olson Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred	9/16/96
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	12/18/95 4/18/96 11/01/96
Humiston, Fred d/b/a Cedar River Trailer Park Letts (6)	Drinking Water	MCL-Nitrate	Referred to Attorney General	Referred	9/16/96
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed	11/21/94 4/18/96
Lee, Harold and Evelyn Keokuk Co. (6)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/16/95 5/16/96
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McKernan, Brian d/b/a Hickory Grove Mobile Home Park Roland (5)	Wastewater	Discharge Limits; Monitoring & Reporting	Order/Penalty	Referred	1/22/97
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Reportin g; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Underground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Papetti's of Iowa Food Products, Inc. Taylor Co. (4)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97

Postville Pork Postville (1)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/20/96
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Underwood, Paul d/b/a Underwood Excavating Demolition Cedar Rapids (1)	and Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment	5/15/95 8/15/96

CONTESTED CASES

Date	Name of Case	Action	Program	Assigned To	Status
1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review by EPA
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council	Admin. Order	SW	Kennedy	EPD considering public hearings. District court
6-20-90	Des Moines, City of	NPDES Permit	WW	Hansen	EPD met with City to resolve appeal issues.
7-02-90	Keokuk Savings Bank and	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup
10-15-90	Westside General Store Corp.	Admin. Order	UT	Wornson	Evaluating inability to pay - UST fund eligibility
12-03-90	United States Gypsum Co.;	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary	Admin.	SW	Kennedy	Hearing continued. Clean-up continuing slowly
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin.	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin.	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin.	HC	Wornson	Settlement letter sent 8/31/94. SCR completed.
4-24-92	Charles A. Kerr	Admin.	UT	Wornson	Financial inability claimed. Warning letter sent

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5-05-92	Plymouth Cooperative Oil Co.	Admin.	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Wornson	Financial inability claimed. Claimant completing
6-23-92	Chickasaw County Board of	Admin.	SW	Kennedy	County to include closing in FY 1997 budget.
8-06-92	Randy Bonin and Vickie	Admin.	SW	Kennedy	Clean-up progress is slow. Appellant's attorney to
8-24-92	Dean Hoeness d/b/a Hoeness &	Admin.	UT	Wornson	Financial inability claimed. Insufficient
9-21-92	ITWC	Admin.	AQ	Preziosi	Settlement close.
9-22-92	King's Terrace MHP	Admin.	WW	Hansen	8/94-Letter to facility regarding resolution of
11-16-92	Frank Hulshizer	Admin.	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93
1-22-93	Pirelli Armstrong Tire Co.	Admin.	SW	Kennedy	F.O. 5 to meet with company 2/26/96 regarding
4-05-93	Mapleton, City of	WW Operator	WW	Hansen	Under review by EPD. Appeal discussion with
4-12-93	LeMars, City of	Admin.	WW	Hansen	Construction permit issued. Schedule submitted
4-21-93	Donald Udell	Admin.	SW	Kennedy	Clean-up completed. Penalty settlement due.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued. Meeting held. Settlement
7-06-93	Dennis E. Good	Admin. Order	UT	Wornson	Compliance initiated 12/23/96.
7-09-93	Oakwood Park Water, Inc.	Admin.	WS	Hansen	Construction permit issued 2/94. Facility to be
7-20-93	Valley Restaurant/Sierp Oil;	Admin. Order	UT	Wornson	Settlement expected. SCR submitted. Revision
7-20-93	U.S. Dept. of Defense	Admin.	UT	Wornson	SCRs on the site and several others in Sioux City
11-16-93	Iowa Southern Utilities	Permit	AQ	Preziosi	Awaiting summary of issues from attorney.
12-23-93	Waverly Gravel & Ready-Mix	Admin.	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit	AQ	Preziosi	Negotiating before filing.
2-14-94	Economy Solar Corp.	Admin.	AQ	Preziosi	Judicial review decision received in favor of
2-28-94	Coastal Mart - Davenport	Admin.	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Northern Railroad	Tax	WW	Hansen	3/96 - Letter to company regarding appeal.
3-08-94	Country Stores of Carroll, Ltd.;	Admin.	UT	Wornson	All SCR's received. Proposal for compliance sent
4-19-94	Galva Union Elevator Co.	Admin.	UT	Wornson	Penalty received 5/8/97. Settled.
5-10-94	Dennis Malone; Joanne Malone	Admin.	UT	Wornson	Untimely appeal. Compliance 3/97. Negotiating
5-27-94	Joseph L. Ranker; Daryl	Admin.	UT	Wornson	Insurance to qualify for remedial benefits unpaid.
6-15-94	Lakeview Heights	Permit	WS	Hansen	Facility proposal under review by WS. DNR
7-07-94	Rose Bar Tire Shredding	Admin. Order	SW	Kennedy	In bankruptcy. 1/96 Working on fire lanes. Sold -
7-12-94	Tom Wiseman	Admin.	UT	Wornson	Appeal untimely. Follow-up letter sent. Attny.
8-12-94	Karl and Thelma Boylan d/b/a	Admin.	UT	Wornson	Inability to pay. Failed to return required
8-29-94	B and B Tire and Oil	Admin.	UT	Wornson	SCR accepted. Letter sent offering penalty
9-01-94	Elmer R. Faust d/b/a Faust	Admin.	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin.	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin.	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5	Admin.	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding
9-15-94	Bankston	Admin.	WS	Hansen	1/95 - Information from City. Compliance
9-16-94	Wunschel Oil Co.; Vernus	Admin.	UT	Wornson	Consent order. SCR received. Revisions to SCR

9-26-94	James D. Foust	Admin.	SW	Kennedy	Settlement offer made 1/23/96. FO rejected offer.
10-07-94	Titan Wheel International	Admin.	WW	Hansen	Revised BMR report submitted/reviewed by WW
10-19-94	Ronald Sizemore; Mark Murphy	Admin.	UT	Wornson	Inability to pay documented. County took tax
10-26-94	Boomsma's Inc.	Admin.	AQ	Preziosi	Negotiating before filing.
10-31-94	Owens & Owens Realty, Inc.;	Admin.	UT	Wornson	District Court for judicial review. Fund eligible.
11-14-94	Tom Babinat d/b/a Tom's Car	Admin.	UT	Wornson	Inability to pay - request documentation.
11-28-94	Richard Beckett	Admin.	UT	Wornson	Referral to UST Fund. Follow-up - 3/96.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by
1-11-95	Henry and Randy Krohn d/b/a	Admin.	AQ/SW	Kennedy	Settlement offer made. FO rejected offer.
1-13-95	James and Roxann Neneman	Admin.	UT	Wornson	Inability to pay. Forms sent. No response. Follow-
1-13-95	Simonsen Industries, Inc.	Admin.	WW	Hansen	2/28/95 - Submittal by facility's engineer
2-23-95	Lehigh Portland Cement	Permit	WW	Hansen	Informal settlement meeting held on 6/96. Facility
2-27-95	Sale-R-Villa Construction	Admin.	AQ	Preziosi	Settlement meeting held 5/23/96. Facility to
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation 1/23/96
4-13-95	The Weitz Corp.; Barton	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises;	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg	Admin.	HC/WW	Kennedy	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-	Permit	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Earth Media Technologies	Admin.	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-	Permit	AQ	Preziosi	Awaiting engineering evaluation.
6-09-95	Don Peterson d/b/a Peterson	Admin.	AQ	Preziosi	Settled. Awaiting final penalty payment.
6-16-95	Pilot Oil Corporation	Admin.	WW/UT	Murphy	Site clean-up proceeding.
6-20-95	Toledo, City of	Permit	WW	Hansen	WW permits to negotiate settlement. Status of
6-23-95	Leonard C. Page	Admin.	SW	Kennedy	Penalty settlement due 7/30/96.
6-29-95	White Oaks Homeowners Assn.	Admin.	WS	Hansen	Informal meeting held 3/8/96. 4/25/96 follow-up
7-03-95	Donald J. Foreman d/b/a D & R	Admin.	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin.	WW	Hansen	Informal meeting held for 6/7/96. Response from
7-10-95	Donald Krieger	Admin.	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin.	UT	Wornson	SCR received - rejected. Review progress - 4/96.
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	Hearing held 5/6, 7, 15, 18/97.
7-28-95	Harold T. Knott; James C. Knott	Admin. Order	UT	Wornson	Fund eligible. Tier 1 required.
8-01-95	Wilbur McNear d/b/a McNear	Admin.	UT	Wornson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin.	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Wornson	Compliance initiated. Selected for innovative
8-24-95	Shell Rock Products, Inc.	Admin.	AQ/SW	Kennedy	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer	Variance Denial	WW	Hansen	Follow-up letter requesting information sent
9-20-95	FKI Industries, Inc.; Fairfield	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin.	SW	Kennedy	Appellant no longer accepting waste. Renewal
10-17-95	Tri-County Bank	Admin.	AQ	Preziosi	Awaiting penalty payment.

10-17-95	Weber Construction, Inc.	Admin.	AQ	Preziosi	Hearing held 4/25/97. Decision received in
11-03-95	Jack Pinney Operations, Inc.	Admin.	AQ	Preziosi	Settlement close.
12-12-95	Vernon Kinsinger, K & K	Admin.	AQ/SW	Kennedy	Informal meeting held. Working with F.O. #6.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Site Services, Ltd.	Admin.	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin.	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Wornson	Current owner to complete SCR.
1-08-96	Westside Park for Mobile	Admin.	WW	Hansen	Past due monthly monitoring reports submitted to
1-11-96	Climax Molybdenum Company	Admin.	AQ/HC	Preziosi	Negotiating before filing. Internal meeting set for
1-12-96	Clarence, City of	Admin.	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter
1-19-96	Bill Shirbroun d/b/a Was	Admin.	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen	Admin.	UT	Wornson	Tanks removed.
1-24-96	Jolly Roger Campground	Admin.	WW	Clark	Settlement payment due 7/1/97.
1-25-96	Hidden Valley Mobile Home	Admin.	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's	Admin.	AQ/SW	Kennedy	Phone conference with attorney regarding
1-30-96	Dean Williams d/b/a Williams	Admin.	UT	Wornson	Compliance initiated.
2-06-96	Russell Staggs	Admin.	AQ/SW	Kennedy	Negotiating before filing.
3-04-96	Edward Bodensteiner	Admin.	UT	Wornson	Hearing held 11/7/96. Brief submitted. ALJ
3-11-96	Dallas County Care Facility	Admin.	WW	Hansen	Facility inspected by FO. Now in compliance.
3-11-96	Marlin Brennehan	Admin.	WW	Clark	Negotiating before filing.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's engineer.
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin.	WW	Hansen	3/25/96 Inspection by FO 6. Facility in
3-26-96	Louisa-Muscataine Community	Admin.	WS	Hansen	Negotiating before filing.
4-19-96	C & I Eggs	Admin.	WW	Clark	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin.	WW	Hansen	6/20/96 - informal meeting held. Facility to
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin.	AQ	Preziosi	Drafting consent order. Engineering staff to visit
5-14-96	Gary Lee Walker	Admin.	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD.
5-29-96	Champion Intl. Corp.	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-29-96	Haasco, Ltd.	Admin.	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC
6-10-96	DeCoster Farms of Iowa (5	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC
6-17-96	Winsor Oil Co., Inc. ; Joyce	Admin.	UT	Wornson	Compliance initiated. CADR received/approved.
6-19-96	Appanoose Co. Sanitary	Permit	SW	Kennedy	Negotiating before filing.
6-25-96	Bernie Brauns d/b/a Brauns	Admin.	AQ/SW	Kennedy	Negotiating before filing.
7-08-96	Becker Gravel Co., Inc.	Admin.	WW/FP	Clark	Negotiating before filing.

7/17/96	Richard L. Magdefrau	Admin.	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed
8/01/96	DeCoster Farms of Iowa	Admin.	WW	Clark	Hearing continued - date to be set.
8/02/96	Gene Hammen d/b/a Maple	Permit Denial	WW	Clark	Hearing held 9/23/96. Proposed decision 2/10/97.
8/09/96	Gene and Margaret	Admin.	UT	Wornson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a	Admin.	WW	Clark	Negotiating before filing.
8/23/96	Waste Management & Design	Admin.,	WW/SW	Kennedy	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin.	UT	Wornson	Closed facility. Negotiating penalty.
8/30/96	LeRoy E. Navratil	Admin.	AQ/SW	Kennedy	Penalty paid 5/19/97. Settled.
9/04/96	Ag Processing, Inc./Sheldon	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa	Permit	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit	WW	Hansen	Negotiating before filing.
10/28/96	Holliman Ltd.	Admin.	SW/WW	Murphy	Negotiating before filing.
11/01/96	Joseph Barragy and Tom	Admin.	AQ/SW	Kennedy	Negotiating before filing..
11/05/96	Marvin Low d/b/a Low's DX	Admin.	UT	Wornson	New case. Tanks temporarily closed. Negotiating
11/07/96	Todd L. Salow	Admin.	AQ/SW	Kennedy	Negotiating before filing.
11/08/96	Caseys General Stores, Inc.	Mean Time to	UT	Wornson	Settlement conference held 2/17/97.
11/08/96	Carroll, City of	Admin.	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin.	WW	Kennedy	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Hearing held 5/6, 7, 15, 28/97.
12/05/96	Organic Technologies Corp. ----	Admin.	SW	Murphy	Hearing held 5/6, 7, 15, 28/97.
12/11/96	Ames, City of	Denial of	WS	Hansen	Hearing held 3/12/97. ALJ decision 4/4/97
1/02/97/	Ruan Leasing Co., aka Ruan	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/20/97	Iowa Tanklines, Inc.	Admin.	UT	Wornson	Settlement conference held.
1/22/97	Rock Island District Corps of	401	WQ	Hansen	Hearing held 5/22-23/97. Briefs to be submitted
1/23/97	Rod Bice	Admin.	WW	Clark	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R.J.	Admin.	SW/AQ	Kennedy	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin.	UT	Wornson	Compliance initiated.
2/19/97	Cliff's Place, Inc.	Admin.	WS	Hansen	Compliance initiated.
2/20/97	Bellevue Golf Club	Admin.	WS	Kennedy	Penalty paid 5/8/97. Settled.
2/21/97	Farmland Foods, Inc. (Denison)	Permit	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin.	SW/AQ	Kennedy	Negotiating before filing.
3/04/97	Q.C. Metallurgical Laboratory	Lab Cert.	UT	Wornson	Interim settlement reached.
3/20/97	Sylvan Acres	Admin.	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd	Admin.	SW/AQ	Kennedy	Negotiating before filing.
4/01/97	Ralston Purina	Permit	AQ	Preziosi	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit	AQ	Preziosi	Negotiating before filing.
4/10/97	Lehigh Portland Cement	PSD Permit	AQ	Preziosi	Negotiating before filing..

5/07/97	Delaware County Landfill, Inc.	Admin.	SW	Kennedy	New case.
5/16/97	Carroll Etchen	Admin.	UT	Wornson	New case.
5/16/97	Brittany Estates Addition	Admin.	WS	Hansen	New case.
5/23/97	Ricahrd A. Girres	Const. Permit	WW	Clark	New case.

Mr. Stokes reviewed the various monthly reports.

Chairman Ehm asked about the consolidation of the two DeCoster cases.

Mike Murphy stated that the judge decided to consolidate those cases for the purpose of convenience and expediency and all parties agreed to the consolidation.

Discussion followed regarding the appeal process; construction permit amnesty program; and the LaFarge and Linwood cases on the Enforcement Report.

Mr. Stokes distributed copies of a status update on the wastewater treatment facility at Lenox, and the Washburn wastewater treatment plant.

Chairman Ehm asked if ISU gave any estimate on the additional cost of the new wetland to be located outside of the floodplain.

Mr. Stokes replied that he has not seen anything on that.

Rita Venner asked if the relocation of the wetland is making any difference in the Thiry's position.

Mr. Stokes responded that he doesn't know.

INFORMATIONAL ONLY

AIR QUALITY PROGRAM STATUS UPDATE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be given an update on various issues relative to the Air Quality Program. These will include updates on staffing, budget, file imaging system, rule development and other programmatic issues.

The Commission will be sent additional information under separate cover prior to the meeting.

Mr. Stokes reviewed the routine Staffing Report, Rulemaking Summary, Budget Expenditures for SFY 97, Imaging System. He related that two people are leaving the department and staff are in the process of hiring to fill those positions.

INFORMATIONAL ONLY

1998 LABORATORY CERTIFICATION AGREEMENT - UNIVERSITY OF IOWA

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve an agreement with the University of Iowa's Hygienic Laboratory (UHL) for determining qualifications of laboratories requesting certification to practice the analysis of drinking water, water and soil samples for compliance with the Underground Storage Tank (UST) program or for the analysis of wastewater samples for the Wastewater Program.

The amount of the agreement is estimated at \$150,000. The agreement amount is an estimate because actual cost will be based on the number of laboratories applying for certification. The agreement amount reflects UHL's best estimate of their actual costs plus the University of Iowa's indirect cost rate. The agreement will be supported by fees from the laboratories being certified. Under Iowa Code §455B.103, the Department is required to contract with the UHL for these services unless the required services cannot be provided by the UHL.

Mr. Stokes reviewed details of the contract.

<i>Motion was made by Rozanne King to approve the 1998 Laboratory Certification Agreement with the University of Iowa. Seconded by Terrance Townsend.</i>

Gary Priebe commented that it looks as if the University is writing the rules.

Mr. Stokes stated that they are writing the rules in collaboration with the DNR, and staff would not approve of inserting something in the rules that shouldn't be there. He added that they are the experts and know how to run laboratories.

<i>Motion carried unanimously</i>

APPROVED AS PRESENTED

INTERAGENCY AGREEMENT - LINN COUNTY AIR QUALITY PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve expenditure of \$251,200 for an interagency agreement between the Department and the Linn County Board of Health. This agreement sets forth each agency's role in the on-going implementation of the Linn County air quality construction permitting program and the Title V operating permit program mandated by the Clean Air Act Amendments of 1990.

~~The duties of the Linn County include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.~~

The agreement is for the period of July 1, 1997 through June 30, 1998. The agreement establishes four equal payments from the air contaminant fund, totaling \$244,000, and a variable amount totaling \$7,200.

Mr. Stokes explained the agreement in detail.

Chairman Ehm asked if staff ever considered looking at Linn County's cost to see if they are doing this more effectively and efficiently as opposed to what the State might do.

Mr. Stokes stated that staff could take a look at that for comparison purposes and provide the information to the Commission.

Motion was made by Dean McWilliams to approve the Interagency Agreement for the Linn County Air Quality Program. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

INTERAGENCY AGREEMENT - POLK COUNTY AIR QUALITY PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the expenditure of \$273,200 for an interagency agreement between the Department and the Polk County Board of Supervisors. This agreement sets forth each agency's role in the ongoing implementation of the Polk County air quality construction permitting program and the Title V operating permit program mandated by the Clean Air Act Amendments of 1990.

The duties of the Polk County include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.

The agreement is for the period of July 1, 1997 through June 30, 1998. The agreement establishes four fixed equal payments from the air contaminant fund, totaling \$266,000, and a variable amount totaling \$7,200.

Mr. Stokes reviewed the agreement with the Commission.

Brief discussion followed.

Motion was made by Rita Venner to approve the Interagency Agreement for the Polk County Air Quality Program. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

AGREEMENT - UNIVERSITY OF NORTHERN IOWA - IOWA AIR EMISSIONS ASSISTANCE PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the expenditure of \$347,000 for an agreement with the Iowa Waste Reduction Center, University of Northern Iowa, to provide small businesses with technical assistance related to air pollution permitting and pollution prevention. This contractual agreement stipulates the objectives and work schedule that the Iowa Air Emissions Assistance Program (IAEAP), University of Northern Iowa, has agreed to fulfill during SFY 98, July 1, 1997 through June 30, 1998.

IAEAP was developed in response to the 1990 Clean Air Act Amendments mandate that each state government provide assistance to small businesses. IAEAP fulfills the technical assistance requirements pursuant to Section 507 of the 1990 Clean Air Act Amendments.

The agreement amount is \$347,000. The contract was increased from the previous year to allow IAEAP to cover increased program operational costs. The funding will be supported by funds from Title V fees.

Mr. Stokes gave a detailed explanation of the agreement and noted that the department receives quarterly progress reports from UNI. He related that staff could have a representative of UNI give the Commission an update on their accomplishments over the past year.

The Commission felt it would be interesting to have that type of update at the next meeting.

Motion was made by Rozanne King to approve the Agreement with the University of Northern Iowa for the Iowa Air Emissions Assistance Program. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

INTERAGENCY AGREEMENT - DED SMALL BUSINESS LIAISON FOR AIR QUALITY

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve the expenditure of \$81,000 for an interagency agreement with the Iowa Department of Economic Development, Small Business Liaison for Air Quality. The Small Business Liaison for Air Quality will provide small businesses with information and assistance regarding various air quality regulatory requirements, and financial and technical support. The position will also encourage small business involvement during regulation development and implementation, and receive and investigate complaints. This agreement stipulates the objectives and work schedule that the Small Business Liaison for Air Quality, Iowa Department of Economic Development, has agreed to fulfill during SFY 98, July 1, 1997 through June 30, 1998.

The Small Business Liaison for Air Quality was developed in response to the 1990 Clean Air Act Amendments mandate that each state government provide assistance to small businesses. The Small Business Liaison fulfills the ombudsman requirements pursuant to Section 507 of the 1990 Clean Air Act Amendments.

The agreement amount is \$81,000, which has remained at SFY 97 levels. The funding will be supported by funds from Title V fees.

Mr. Stokes reviewed the agreement with the Commission. He related that staff could have someone from DED give an update on their accomplishments over the past year.

The Commission felt that a status update on the small business liaison would be helpful.

<i>Motion was made by Rozanne King to approve the Interagency Agreement for DED Small Business Liaison for Air Quality. Seconded by Terrance Townsend. Motion carried unanimously.</i>
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APPROVED AS PRESENTED

FINAL RULE--CHAPTERS 22 AND 23, AIR QUALITY EMISSIONS GUIDELINES FOR MUNICIPAL SOLID WASTE LANDFILLS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve as final rules the proposed amendments to Chapter 22, "Controlling Pollution," and Chapter 23, "Emission Standards for Contaminants," 567 Iowa Administrative Code.

The purpose of this rule-making is to adopt the federal emission guidelines and compliance schedule for existing municipal solid waste landfills established in 40 CFR Part 60 Subpart Cc. IDNR has established that there are sources in the state subject to these requirements and, in accord with the delegation agreements previously entered into with EPA, IDNR herein considers accepting delegation of these standards. This proposed rule adopts the federal language with minor revision to appropriately identify affected sources and the implementing agency (as IDNR). No substantive changes have been made to the language as established in the federal rule, and all opportunities for sources to utilize flexible compliance opportunities have been retained.

Existing municipal solid waste landfills are those who have commenced construction, reconstruction, or modification prior to May 30, 1991, and have accepted waste any time since November 8, 1987. This type of landfill may receive household waste, and various other RCRA Subtitle D wastes (such as commercial solid wastes and nonhazardous sludge). However, if the landfill's maximum design capacity is less than 2.5 million megagrams (or metric tons) by mass (2.8 million tons (short)) or 2.5 million cubic meters by volume (7.5 acres at 25 ft depth), then the rule is not applicable.

The U.S. Environmental Protection Agency has determined that municipal solid waste landfills emit non-methane organic compounds, which include volatile organic compounds (VOC) and hazardous air pollutants (HAPs), which significantly contribute to air pollution and are anticipated to endanger public health or welfare.

Four main changes have been made to the Notice of Intended Action as a result of comments received during the public comment period and a previous rule-making. Language was added to Item 1 that include revisions made to this subrule through a previous rule-making, which was Adopted and Filed as ARC 7178A on April 9, 1997. In Item 2, subparagraph 567--23.1(5)"a"(1), "conditionally exempt small quantity generator waste" was removed from the definition of "municipal solid waste landfill." In Iowa, landfills can not accept this type of waste. The title of Subparagraph 567—23.1(5)"a"(5), "Reporting and record-keeping guidelines," has been changed to "Reporting and record-keeping requirements." Also, additional language has been added to Subparagraphs 567—23.1(5)"a"(3) and (5) to specify that less stringent emission standards or compliance schedules need EPA's approval.

ENVIRONMENTAL PROTECTION COMMISSION [567] Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," and Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

Notice of Intended Action was published March 12, 1997, as ARC 7108A. A public hearing was held on April 11, 1997. Three written comments were received. Two main changes were made to the Notice of Intended Action as a result of comments received and previous rule-making.

Item 1 adds the requirement that sources subject to emission guidelines must obtain a Title V permit (as required in subrule 567--22.101(1)) unless specifically exempted in the emission guideline. Language was added to Item 1 that include revisions made to this subrule through a previous rule-making, which was Adopted and Filed as ARC 7178A on April 9, 1997.

Item 2 adds the emission guidelines and compliance schedule for existing municipal solid waste landfills to 567--23.1(455B). In subparagraph 567--23.1(5)"a"(1), "conditionally exempt small quantity generator waste" was removed from the definition of "municipal solid waste landfill." In Iowa, landfills can not accept this type of waste. The title of Subparagraph 567--23.1(5)"a"(5), "Reporting and record-keeping guidelines," has been changed to "Reporting and record-keeping requirements." Also, additional language has been added to Subparagraphs 567--23.1(5)"a"(3) and (5) to specify that less stringent emission standards or compliance schedules need EPA's approval.

ITEM 1. Amend subrule 22.101(1), paragraph "c," as follows:

c. Any source subject to a standard or other requirement under 567 -- subrule 23.1(2) (standards of performance for new stationary sources), 567-- subrule 23.1(5) (emission guidelines), unless the source is specifically exempted, or section 111 of the Act; or 567-- subrule 23.1(3) (emission standards for hazardous air pollutants), 567 -- subrule 23.1(4) (emission standards for hazardous air pollutants for source categories), or section 112 of the Act, ~~except that a~~ A source is not required to obtain a permit solely because it is subject to provisions of section 112(r) of the Act. Any source required to obtain a Title V operating permit solely because of the requirement imposed by this paragraph, and which is not a major source, is required to obtain a Title V permit only for the emissions units and related equipment causing the source to be subject to the Title V program;

ITEM 2. Amend rule 23.1(455B) by inserting the following new subrule 23.1(5) and renumbering subrule 23.1(5) as 23.1(6).

23.1(5) Emission guidelines

a. Emission guidelines for municipal solid waste landfills. Emission guidelines and compliance times for the control of certain designated pollutants from certain designated municipal solid waste landfills in accordance with federal standards established in section 111(d) of the Act and 40 CFR Part 60, subparts B (Adoption and Submittal of State Plans for Designated Facilities), Cc (Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills), and WWW (Standards of Performance for Municipal Solid Waste Landfills).

(1) Definitions. For the purpose of 23.1(5) "a," the definitions have the same meaning given to them in the Act and 40 CFR Part 60, Subparts A (General Provisions), B, and WWW, if not defined in this subparagraph.

"Municipal solid waste landfill" or "MSW landfill" means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste,

nonhazardous sludge, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill or a lateral expansion.

(2) Designated facilities.

1. The designated facility to which the emission guidelines apply is each existing MSW landfill for which construction, reconstruction or modification was commenced before May 30, 1991.

~~2. Physical or operational changes made to an existing MSW landfill solely to comply with an emission guideline are not considered a modification or reconstruction and would not subject an existing MSW landfill to the requirements of 40 CFR Part 60, Subpart WWW (40 CFR 60.750).~~

(3) Emission guidelines for municipal solid waste landfill emissions.

1. MSW landfill emissions at each MSW landfill meeting the conditions below shall be controlled.

The landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.

The landfill has a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters, which must be provided to the administrator in a design capacity report by November 18, 1997. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report.

The landfill has a nonmethane organic compound (NMOC) emission rate of 50 megagrams per year or more. If the MSW landfill's design capacity exceeds the established thresholds in 23.1(5) "a"(3) "1," the NMOC emission rate calculations must be provided with the design capacity report.

2. The installation of a collection and control system shall meet the conditions provided in 40 CFR 60.752(b)(2)(ii) at each MSW landfill meeting the conditions in 23.1(5) "a"(3) "1."

3. MSW landfill emissions collected through the use of control devices must meet the following requirements, except as provided in 40 CFR 60.24 after approval by the Director and U.S. Environmental Protection Agency.

An open flare designed and operated in accordance with the parameters established in 40 CFR 60.18; a control system designed and operated to reduce NMOC by 98 weight percent; or an enclosed combustor designed and operated to reduce the outlet NMOC concentration to 20 parts per million as hexane by volume, dry basis at 3 percent oxygen, or less.

(4) Test methods and procedures. The following must be used:

1. The calculation of the landfill NMOC emission rate listed in 40 CFR 60.754, as applicable, to determine whether the landfill meets the condition in 23.1(5) "a"(3) "3;"

2. The operational standards in 40 CFR 60.753;

3. The compliance provisions in 40 CFR 60.755; and

4. The monitoring provisions in 40 CFR 60.756.

(5) Reporting and recordkeeping requirements. The recordkeeping and reporting provisions listed in 40 CFR 60.757 and 60.758, as applicable, except as provided under 40 CFR 60.24 after approval by the Director and U.S. Environmental Protection Agency, shall be used.

(6) Compliance times.

1. Except as provided for under 23.1(5) "a"(6) "2," planning, awarding of contracts, and installation of MSW landfill air emission collection and control equipment capable of meeting the emission guidelines established under 23.1(5) "a"(3) shall be accomplished by February 20, 2000.

2. For each existing MSW landfill meeting the conditions in 23.1(5) "a"(3) "1" whose NMOC emission rate is less than 50 megagrams per year on August 20, 1997, installation of collection and control systems capable of meeting emission guidelines in 23.1(5) "a"(3) shall be accomplished within 30 months of the date when the condition in 23.1(5) "a"(3) "1" is met (i.e., the date of the first annual nonmethane organic compounds emission rate which equals or exceeds 50 megagrams per year).

b. Reserved.

Date

Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes gave a brief explanation of the rules.

Brief discussion followed.

Motion was made by Terrance Townsend to approve Final Rule--Chapters 23 and 23, Air Quality Emissions Guidelines for Municipal Solid Waste Landfills. Seconded by Dean McWilliams. Motion carried unanimously.

APPROVED AS PRESENTED

STATE PLAN FOR IMPLEMENTING THE EMISSIONS GUIDELINES FOR MUNICIPAL SOLID WASTE LANDFILLS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the proposed state plan for implementing the emission guidelines for municipal solid waste landfills.

The purpose of this plan is to provide specific information and legal mechanisms necessary to implement the emission guidelines for municipal solid waste landfills. Section 111(d) of the Clean Air Act requires the state regulatory agency to develop a state plan, which outlines the state's implementation strategy for the specific EG.

The emission guidelines address existing municipal solid waste landfills. Existing municipal solid waste landfills are those who have commenced construction, reconstruction, or

modification prior to May 30, 1991, and have accepted waste any time since November 8, 1987. This type of landfill may receive household waste, and various other RCRA Subtitle D wastes (such as commercial solid wastes and nonhazardous sludge).

One written comment and no oral comments were received during the public comment period.

State of Iowa

Section 111(d) State Plan for Implementing the Emission Guidelines for Municipal Solid Waste Landfills

**Iowa Department of Natural Resources
Environmental Protection Division
Air Quality Bureau**

May 29, 1997

Part I. Introduction

On March 12, 1996, the Environmental Protection Agency (EPA) promulgated New Source Performance Standards (NSPS), and Emission Guidelines and Compliance Times (EG) for Municipal Solid Waste Landfills, as 40 CFR Part 60 Subpart WWW and Cc. The NSPS and EG will regulate and require reductions of non-methane organic compounds (NMOC), such as vinyl chloride, toluene, and benzene. NMOC contribute to ozone formation, are known and suspected carcinogens, cause other non-cancer health effects, and can cause odor nuisances. As a result, NMOC emissions can greatly impact the public health and welfare.

Section 111(d) of the Clean Air Act requires the state regulatory agency to develop a state plan, which outlines the state's implementation strategy for the specific EG. The state plan is required to provide specific information and legal mechanisms necessary to implement the emission guidelines. The following represent the minimum elements required by EPA for approval of the state plan:

- Identification of enforceable state mechanisms selected by the state for implementing the Emission Guidelines;
- A demonstration of the state's legal authority to carry out the Section 111(d) State Plan as submitted;
- An inventory of existing MSW landfills in the state affected by the Emission Guidelines;

- . An inventory of emissions from MSW landfills in the state;
- . Emission limitations for MSW landfills;
- . A process for state review and approval of site-specific gas collection and control system design plans;
- . Compliance schedules;
- . Testing, monitoring, recordkeeping, and reporting requirements;
- . A record of public hearing(s) on the State Plan; and
- . Provision for annual state progress reports to EPA.

This document contains Iowa's State Plan, which outlines our implementation strategy, as required by the Emission Guidelines.

Part II. Enforcement Mechanism

The state of Iowa will use state rules as the enforcement mechanism to implement the emission guidelines for Municipal Solid Waste (MSW) landfills, as required by 40 CFR Part 60 Subpart Cc. Proposed rule, 567 IAC 23.1(5) "a", will give the state of Iowa, under state law, the authority to implement the emission guidelines for MSW landfills. A proposed amendment to 567 IAC 22.101(1) "c" will require MSW Landfills subject to the emission guidelines to apply for a Title V operating permit. The Notice of Intended Action for both items was published March 12, 1997, as ARC 7108A in the *Iowa Administrative Bulletin*. The public hearing was held on April 11, 1997. The proposed effective date of this rule is August 1, 1997. A copy of the Notice of Intended Action and the Public Participation Responsiveness Summary are provided in Attachment A. The final rule will be provided, when available.

Part III. Demonstration of Legal Authority

Iowa Code section 455B.133 grants the Environmental Protection Commission the authority to promulgate rules and regulations, which adopt provisions, required by the federal Clean Air Act. A copy of Iowa Code section 455B.133 is provided in Attachment B.

Part IV. Source Inventory

Table 1 is a list of all existing MSW landfills, as defined by 40 CFR Sec. 60.31c, within the state of Iowa.

Facility Name	Address	City	Zip Code	Permit Number
Closed Landfills				
Butler County Sanitary Landfill	703 Park Street	Greene	50636	12-SDP-01-73
Calhoun County Sanitary Landfill	328 Washington Street	Rockwell	50579	13-SDP-01-72

Facility Name	Address	City	Zip Code	Permit Number
		City		
Cedar County Sanitary Landfill	Cedar County Court House	Tipton	52772	16-SDP-01-76
Cherokee County Sanitary Landfill - Area A	P.O. Box 100A	Cherokee	50101	18-SDP-03-93
Clarke County Sanitary Landfill	2095 Leisure Drive	Osceola	50213	20-SDP-02-75
Clinton County Sanitary Landfill	P.O. Box 996	Clinton	52732	23-SDP-02-74
Franklin County Sanitary Landfill	1341 Olive	Hampton	50441	35-SDP-01-76
Harrison County Sanitary Landfill	Box 121	Logan	51546	43-SDP-01-75
Henry County Sanitary Landfill	31 Hickory Lane, Westwood	Mt. Pleasant	52641	44-SDP-01-75
Humbolt County Sanitary Landfill	PO Box 526	Humbolt	50548	46-SDP-02-83
Jackson County Sanitary Landfill	900 S. 2 nd	Bellevue	52031	49-SDP-01-74
City of Keokuk Landfill	PO Box 400	Keokuk	52632	56-SDP-04-77
Fort Madison Landfill/Rodeo Park Dump	811 Avenue E	Ft. Madison	52627	56-SDP-05-88
Louisa County Sanitary Landfill	Louisa County Courthouse	Wapello	52653	58-SDP-01-74
Mahaska County SLF Old Sites	905 M Avenue West	Oskaloosa	52577	62-SDP-07-93
Marshall County Sanitary Landfill (Area "A")	PO Box 217	Marshalltown	50158	64-SDP-06-92
Lucas-Monroe County Sanitary Landfill	115 S. Main Street	Chariton	50049	68-SDP-01-75
Poweshiek County Sanitary Landfill	Box 71	Montezuma	50171	79-SDP-01-73
Shelby County Sanitary Landfill d	1012 Broadway	Harlan	51537	83-SDP-01-74
Adams-Taylor County Sanitary Landfill	205 10 th Street	Corning	50841	87-SDP-01-75
Van Buren County Sanitary Landfill	RR 2 BOX 134	Keosauqua	52565	89-SDP-01-75
Ottumwa Wapello County Sanitary Landfill (Area "A")	13277 - 155 th Ave	Ottumwa	52501-8252	90-SDP-09-93
Wright County Sanitary Landfill	PO Box 173	Clarion	50525-0173	99-SDP-01-73
Operating Landfills				
Appanoose County Sanitary Landfill	Route 1	Corydon	50060	04-SDP-01-76
Audubon County Sanitary Landfill	1397 Pheasant Avenue	Audubon	50025	05-SDP-01-75
Black Hawk County Sanitary Landfill	1509 East Washburn Rd	Waterloo	50703	07-SDP-01-75
Boone County Sanitary Landfill	1268 224 th Lane	Boone	50036	08-SDP-01-75
Bremer County Sanitary Landfill	415 East Bremer Avenue	Waverly	50677	09-SDP-01-75
Buchanan County Sanitary Landfill	RR 1	Independence	50644	10-SDP-01-75
Buena Vista County Sanitary Landfill	RR 2 BOX 124	Storm Lake	50588	11-SDP-01-74
Carroll County Sanitary Landfill/Recycling Center	RR 3 BOX 17	Carroll	51401	14-SDP-01-74
Cass County Sanitary Landfill	RR 4 BOX 193	Atlantic	50022	15-SDP-01-75

Facility Name	Address	City	Zip Code	Permit Number
Landfill of North Iowa	15942 Killdeer Ave	Clear Lake	50428	17-SDP-01-75
Cherokee County Sanitary Landfill	525 Benson Building	Sioux City	51102	18-SDP-01-75
Chickasaw County Sanitary Landfill	Chickasaw County Courthouse	New Hampton	50659	19-SDP-01-72
Clarke County Sanitary Landfill - South Site	2095 Leisure Drive	Osceola	50213	20-SDP-04-94
Clinton County Sanitary Landfill (East)	RR 3	DeWitt	52742	23-SDP-01-74
Crawford County Sanitary Landfill	RR 2	Denison	51442	24-SDP-01-73
Wayne-Ringgold-Decatur County Sanitary Landfill	RR 1 BOX 66	Grand River	50108	27-SDP-01-75
Delaware County Sanitary Landfill	PO BOX 211	Delhi	52223	28-SDP-01-74
Des Moines County Sanitary Landfill	1818 West Burlington	Burlington	52601	29-SDP-01-76
Dubuque Metropolitan Sanitary Landfill	9395 Middle Road	Dubuque	52001	31-SDP-02-75
Fayette County Sanitary Landfill	5822 Windsona Circle	Madison	53711	33-SDP-02-83
Fremont County Sanitary Landfill	BOX 487	Sidney	51652	36-SDP-01-74
Grundy County Sanitary Landfill	Grundy County Courthouse	Grundy Center	50638	38-SDP-01-75
Hamilton County Sanitary Landfill	1540 Division	Webster City	50595	40-SDP-02-75
Rural Iowa Sanitary Landfill	PO BOX 173	Clarion	50525	42-SDP-01-72
Ida County Sanitary Landfill	507 Walnut	Battle Creek	51006	47-SDP-01-76
Iowa County Sanitary Landfill	Box 371	Marengo	52301	48-SDP-02-79
City of Newton Sanitary Landfill	1541 S 12 th Ave West	Newton	50208	50-SDP-01-75
City of Iowa City Sanitary Landfill	1200 South River Side Drive	Iowa City	52240	52-SDP-01-72
Kossuth County Sanitary Landfill	Kossuth County Sanitary Landfill	Burt	50522	55-SDP-01-75
Bluesten Solid Waste Agency Sanitary Landfill - Site 1	RR 1 BOX 198	Palo	52324	57-SDP-03-75
South Central Iowa Sanitary Landfill	RR 1 BOX 76	Winterset	50273	61-SDP-01-78
Mahaska County Sanitary Landfill	2599 Lincoln Ave.	Oskaloosa	52577	62-SDP-01-74
Marshall County Sanitary Landfill	PO BOX 217	Marshalltown	50158	64-SDP-02-75
Mills County Sanitary Landfill	RR 2 BOX 197	Red Oak	51566	65-SDP-01-72
Montgomery County Sanitary Landfill	RR 2 BOX 197	Red Oak	51566	69-SDP-01-74
Muscatine County Sanitary Landfill	City Hall	Muscatine	52761	70-SDP-02-75
Flannegan Sanitary Landfill	RFD, PO BOX 527	Emmetsburg	50536	74-SDP-02-76
Sac County Sanitary Landfill	Sac County Solid Waste Agency	Sac City	50583	81-SDP-01-75
Scott County Sanitary Landfill	PO BOX 563	Buffalo	52728	82-SDP-03-77
Northwest Iowa Area Sanitary Landfill	RR 2	Sheldon	51201	84-SDP-01-74

Facility Name	Address	City	Zip Code	Permit Number
City of Ames Sanitary Landfill	515 Clark Ave. Box 811	Ames	50010	85-SDP-08-88
Ottumwa-Wapello County Sanitary Landfill	105 East 3 rd Street	Ottumwa	52501	90-SDP-01-75
Winneshiek County Sanitary Landfill	Rural Route	Decorah	52101	96-SDP-01-74
City of Sioux City Sanitary Landfill - 28th Street	PO BOX 1349	Sioux City	51102	97-SDP-03-81
Prior MSW Landfill				
Monona County Sanitary Landfill	PO BOX 325	Turin	51059	67-SDP-01-75
Plymouth County Sanitary Landfill	PO BOX 904	LeMars	51031	75-SDP-01-74

Part V. Emission Inventory

By December 18, 1997, the State will provide EPA with a NMOC emission inventory for Existing MSW Landfills. At that time, the State will request amending the 111(d) State Plan. As required in Subparagraph 567 IAC 23.1(5) "a"(3) of the proposed rule, design capacity reports must be submitted to the state by November 18, 1997. The design capacity reports will allow for a more accurate estimation of statewide emissions of NMOC.

Part VI. Emission Limitations

The proposed state rule is no less stringent than the emission limitations established in 40 CFR Part 60, Subpart WWW. The provisions for less stringent emission standards, as outlined in 40 CFR Section 60.24(f), are addressed in Part XII of this plan.

Part VII. Process for Review of Design Plans

State review and approval of site-specific design plans for required gas collection and control systems will be performed through the state's air construction permit application process in conjunction with the Department of Natural Resources Solid Waste Section.

Part VIII. Compliance Schedules

The state rule remains consistent with 40 CFR Part 60, Subpart Cc by establishing compliance times based on the state rule's effective date of August 1, 1997.

Event	Compliance Dates
Submittal of Design Capacity Report. Also submit the first Annual Emission Rate Report if the design capacity is equal to or exceeds 2.5 million Mg or 2.5 million m ³ .	November 18, 1997.

Event	Compliance Dates
Submittal of a final control plan (site specific collection and control design plan).	November 18, 1998, or 1 year from the submittal of first Annual Emission Rate Report that shows that the NMOC emissions equal or exceed 50 Mg/yr.
Award contracts for gas collection and control system.	Once the collection and control design plan has been approved, this must be concluded in a time reasonable to comply with the completion date for installation of the collection and control system.
Initiate construction or installation of gas collection and control systems.	Must be concluded in a time reasonable to comply with the completion date for installation of the collection and control system.
Complete construction and installation of gas collection and control system.	February 20, 2000, or 30 months after the submittal of the landfill's first Annual Emission Rate Report where emissions equal or exceed 50 Mg/yr.
Final compliance date for MSW landfill.	60 days after the installation of the collection and control system.
Initial performance test for MSW landfill control system.	180 days after the installation of the collection and control system.
Reports of periodic monitoring results.	November 18, Annually.

Part IX. Testing, Monitoring, Recordkeeping, and Reporting Requirements

The provisions in the state rule for testing, monitoring, recordkeeping, and reporting refer to 40 CFR 60.753 through 60.758.

Part X. Public Hearings

The public hearing for ARC 7108A, which establishes the emission guidelines for MSW landfills, was held on April 11, 1997. As stated previously, the Notice of Intended Action and Public Participation Responsiveness Summary are provided in Attachment A. The final rule will be provided in Attachment A, when available.

The public hearing for the 111(d) State Plan for existing Municipal Solid Waste landfills was held on May 28, 1997. A thirty-day public comment period was provided, as required by 40 CFR Part 60 Subpart B, for the 111(d) State Plan for MSW landfills. One written comment was received during the public comment period. The Affidavit of Publication for the Notice of Public Hearing and the Public Participation Responsiveness Summary for the 111(d) State Plan are provided in Attachment C.

Part XI. State Progress Reports to EPA

The annual report will be incorporated into the reports required by 40 CFR 51.321.

Part XII. State Flexibility

On a case-by-case basis, the State of Iowa may allow for less stringent emission standards and/or longer compliance schedules for designated facilities or classes of facilities. However, one or more of the specific criteria outlined in 40 CFR 60.24(f), cited in proposed Paragraph 567 IAC 23.1(5) "a", must be met. The criteria are as follows:

- unreasonable cost of control resulting from age, location, or design;
- physical impossibility of installing necessary control equipment; and/or
- ~~other factors specific to the landfills that make application of a less stringent standard~~ significantly more reasonable.

The facility or facilities must demonstrate to the state that one or more of the criteria have been met at their site(s). Upon submittal of the demonstration to the state, the state will work with the facility or facilities to develop an emission standard or compliance schedule that is reasonable for the given conditions, while still protecting the public health and welfare. The state will then request the U.S. Environmental Protection Agency (EPA) to grant approval to the less stringent emission standard or compliance schedule. EPA must make a determination within 90 days of receipt of the state's request. Upon EPA's approval, the state will immediately implement the emission standard or compliance schedule for the facility or class of facilities.

Attachment A

**Notice of Intended Action for Emission Guidelines for Municipal Solid Waste Landfills
Final Rule for Emission Guidelines for Municipal Solid Waste Landfills - Not Available
Public Participation Responsiveness Summary**

Attachment B

Iowa Code section 455B.133

Attachment C

**Affidavit of Publication for Notice of Public Hearing
Public Participation Responsiveness Summary**

Mr. Stokes presented details of the plan. He related that only five landfills in the state would be the size, in terms of the volume of waste received, to be subject to the rules at this time.

Motion was made by Rita Venner to approve the State Plan for Implementing the Emission Guidelines for Municipal Solid Waste Landfills. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

**NOTICE OF INTENDED ACTION--CHAPTER 64, GENERAL PERMITS -
STORMWATER**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action for rules updating the NPDES general permits for storm water discharges. In 1992 the Commission adopted by rule NPDES general permits for storm water discharges. The storm water general permits associated with industrial activity and associated with construction activities will expire on October 1, 1997. These permits are for a five year period and need to be renewed. The maximum term for NPDES permits is five years.

The Department proposes to renew the general permits with only minor revisions. In addition, a third general permit is proposed for a specific industrial group that includes permanent and portable asphalt and concrete batch plants and rock crushing plants. The Department has been working with an industry group organized by the Asphalt Paving Association of Iowa to draft a general permit which meets both the needs of the Department and of industry. Updates of existing NPDES General Permit No. 1 and NPDES General Permit No. 2 as well as a draft new general permit number 3 for the new group are attached

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.103A, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 64, "Wastewater Construction and Operation Permits," Iowa Administrative Code.

Amendments to Chapter 64 reissue General Permits No. 1 and No. 2 which authorize the discharge of storm water. These general permits were issued in 1992, for a five-year duration and expire on October 1, 1997. This action will renew them, extending their coverage another five years to October 1, 2002. A third general permit which addresses the storm water discharge needs of asphalt plants, concrete batch plants and rock crushing facilities has been added. General permits for stormwater discharges are required to be adopted as rules and are therefore included in this notice. Copies of the proposed revised General Permit No. 1 and General Permit No. 2 as well as the proposed new General Permit No. 3 are available upon request from the department at the address or phone number below.

The fee structure has also been simplified for both the general permits and individual permits. The separate application fee has been eliminated leaving a single permit fee for each type.

Any interested party may make written comments on the proposed amendments on or before _____, 1997. Written comments should be directed to Stormwater Permit Coordinator, Iowa Department of Natural Resources, Wallace State Office Building, 900 E. Grand Ave., Des Moines, Iowa 50319; fax (515)281-8895. Persons who wish to convey their views orally should contact the Stormwater Permit Coordinator at (515)281-7017 or at the department's offices on the fifth floor of the Wallace State Office Building.

A public hearing will be held on _____, 1997, at _____ p.m. at _____, at which time comments may be presented orally or submitted in writing.

Anyone who plans to attend the public hearing and has special requirements such as hearing or mobility impairments should contact the Stormwater Permit Coordinator and advise of the special needs.

This amendment is intended to implement Iowa Code chapter 455B, division I.

The following amendments are proposed.

ITEM 1. Amend paragraph 64.6(1)"a" by adding the following new subparagraph:

(3) General Permit No. 3 "Storm Water Discharge Associated with Industrial Activity for Asphalt Plants, Concrete Batch Plants and Rock Crushing Plants," Form 542-1415, containing the information identified for General Permit No. 1 in subparagraph (1) of this paragraph.

ITEM 2. Amend paragraph 64.6(1)"c" by adding the following new subparagraph:

(3) General Permit No. 3 "Storm Water Discharge Associated with Industrial Activity for Asphalt Plants, Concrete Batch Plants and Rock Crushing Plants." Public notification requirements for this general permit are the same as those specified for General Permit No. 1, found in subparagraph (1) of this paragraph.

Upon relocation of a facility authorized to discharge under General Permit No. 3 an applicant shall file a complete Notice of Intent by submitting to the department materials required in paragraphs "a" to "c" of this subrule except that the public notice shall be published in one newspaper with the largest circulation in the area in which the facility is to be located or the activity occur. The newspaper notice shall, at a minimum, contain the information specified in subparagraph 64.6(1)"c"(1). Upon initial issuance of the permit the public notice shall be published in at least two newspapers with the largest circulation in the area in which the facility is located or the activity will occur.

ITEM 3. Amend subrule 64.6(2) as follows:

64.6(2) Authorization to discharge under a general permit. Upon the submittal of a complete Notice of Intent in accordance with 64.6(1) and 64.3(4)"b," the applicant is authorized to discharge, unless notified by the department to the contrary. The discharge authorization date for all storm water discharges associated with industrial activity that are in existence on or before October 1, ~~1992~~ 1997, shall be October 1, ~~1992~~ 1997. The applicant will receive notification by the department of coverage under the general permit. If any of the items required for filing a Notice of Intent specified in 64.6(1) are missing, the department will consider the application incomplete and will notify the applicant of the incomplete items.

ITEM 4. Amend subrule 64.8(2), introductory paragraph, as follows:

64.8(2) Renewal of coverage under a general permit. Coverage under a general permit will be renewed subject to the terms and conditions in paragraphs "a" to "e d."

ITEM 5. Amend subrule 64.8(2) by adding the following new paragraph:

d. The Notice of Intent requirements shall not include a public notification when a general permit has been reissued or renewed provided the permittee has already submitted a complete Notice of Intent including the public notification requirements of 64.6(1). Another public notice is required when any information, including facility location, in the original public notice is changed.

ITEM 6. Amend 567--64.15(455B) as follows:

~~567--64.15(455B) General permits issued by the department. The following is a list of general permits adopted by the department through the Administrative Procedure Act, Iowa Code chapter 17A, and the term of each permit.~~

64.15(1) Storm Water Discharge Associated with Industrial Activity, NPDES General Permit No. 1, effective ~~October 1, 1992, to October 1, 1997~~ October 1, 1997, to October 1, 2002. Facilities assigned Standard Industrial Classification codes 2951, 3273, and those facilities assigned Standard Industrial Classification codes 1422 and 1423 which are engaged primarily in rock crushing are not eligible for coverage under General Permit No. 1.

64.15(2) Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit No. 2, effective ~~October 1, 1992, to October 1, 1997~~ October 1, 1997, to October 1, 2002.

64.15(3) Storm Water Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants and Rock Crushing Plants, NPDES General Permit No. 3, effective October 1, 1997, to October 1, 2002. General Permit No. 3 authorizes storm water discharges from facilities primarily engaged in manufacturing asphalt paving mixtures and which are classified under Standard Industrial Classification 2951, primarily engaged in manufacturing portland cement concrete and which are classified under Standard Industrial Classification 3273, and those facilities assigned Standard Industrial Classifications 1422 or 1423 which are primarily engaged in the crushing, grinding or pulverizing of limestone or granite. General Permit No. 3 does not authorize the discharge of water resulting from dewatering activities at rock quarries.

ITEM 7. Amend subrule 64.16(1) as follows:

64.16(1) A person who applies for an individual permit or coverage under a general permit to construct, install, modify or operate a disposal system shall submit along with the application an application fee and a permit fee as specified in 64.16(3). Fees shall be assessed based on the type of permit coverage the applicant requests, either as general permit coverage or as an individual permit. At the time the application is submitted, the applicant has the option of paying an annual permit fee or ~~either a five-year a multiyear permit fee, whichever is available. The multiyear permit fee provides coverage under the general permit through the expiration date of the general permit.~~

~~Fees are not refundable and are nontransferable; however, if~~ If the application is returned to the applicant by the department, ~~the application fee will be retained but the permit fee will be returned.~~ No fees will be returned if the permit or permit coverage is suspended, revoked, or modified, or if the activity is discontinued. Failure to submit the appropriate ~~application fee and permit fee renders the application incomplete and the department shall suspend processing of the application until the fee is received.~~

ITEM 8. Amend subrule 64.16(3) as follows:

64.16(3) Fee schedule. The following fees have been adopted:

a. For coverage under the NPDES General Permit the following fees apply:

(1) Storm Water Discharges Associated with Industrial Activity, NPDES General Permit

No. 1.

Application Fee \$100

and

Annual Permit Fee \$150 (per year)

or

Multiyear 5-year Permit Fee ~~\$450~~ \$600

4-year Permit Fee \$450

3-year Permit Fee \$300

~~(Coverage provided by the multiyear permit fee expires concurrently with the expiration date of the general permit. Maximum coverage is five years.) (Coverage provided by the 5-year, 4-year, and 3-year permit fees expires no later than the expiration date of the general permit. Maximum coverage is five years, four years, and three years, respectively.)~~

(2) Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit No. 2. The fees are the same as those specified for General Permit No. 1 in subparagraph (1) of this paragraph.

(3) Storm Water Discharge Associated with Industrial Activity for Asphalt Plants, Concrete Batch Plants and Rock Crushing Plants, NPDES General Permit No. 3 The fees are the same as those specified for General Permit No. 1 in subparagraph (1) of this paragraph.

b. Individual NPDES permit fees. The following fees are applicable for the described individual NPDES permit:

(1) For storm water discharge associated with industrial activity, submitted on Form 2F, where the storm water is composed entirely of storm water or combined with process wastewater or other non-stormwater wastewater.

Application Fee \$150

and

Annual Permit Fee \$300 (per year)

or

Five-year Permit Fee \$1,250

(2) For storm water discharge from large and medium municipal separate storm sewers (systems serving a population of 100,000 or more).

Application Fee \$150

and

Annual Permit Fee \$300 (per year)

or

Five-year Permit Fee \$1,250

(3) For participants in an approved group application and EPA has issued a model general permit and no industry specific general permit is available or being developed.

Application Fee \$150

and

Annual Permit Fee \$300 (per year)
or
Five-year Permit Fee \$1,250

Date

Larry J. Wilson, Director

Mr. Stokes explained the rules in detail.

Commissioner Mohr asked if runoff from the Des Moines airport would fall under the requirements of this rule.

Mr. Stokes stated that they could theoretically fall under a general permit for industry, but the department is working with them on an individual permit in their particular case.

Brief discussion followed regarding erosion on construction projects, and dewatering quarries.

Motion was made by Rozanne King to approve Notice of Intended Action--Chapter 64, General Permits for Storm Water. Seconded by Dean McWilliams. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTER 65, ANIMAL FEEDING OPERATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with draft rules which would amend Chapter 65, Animal Feeding Operations. The proposed rule amendments will reflect the recommendations of the Animal Agricultural Consulting Organization (ACCO) which was created by HF 519. At the request of the Department, the ACCO reviewed the Chapter 65 rules adopted by the Commission on January 16, 1996 to identify areas where changes were warranted or needed. Although the ACCO's recommendations are substantive, the recommended changes are essentially a "fine tuning" of the existing rules rather than a wholesale rewrite or revision of Chapter 65.

The ACCO's recommendations will be presented along with a discussion of the issues involved. Where the Environmental Protection Division's recommendations vary from the ACCO's recommendations, alternatives will be presented and discussed.

Mr. Stokes distributed copies of the Animal Agriculture Consulting Organization Recommendations to the Iowa DNR along with copies of a Comparison of AACO and DNR Recommendations. He stated that the department is working on an internal plan to be sure all

staff working with livestock feeding operations are trained and educated to deal with these operations. He noted that staff met with AACO last week to discuss their differences and will meet again on July 14, in hopes of reaching a consensus on recommendations. He discussed the major differences of opinion with AACO on page 6 of the Comparisons sheet dealing with Hydrology, and page 8 dealing with Lowering of the Groundwater Table.

Chairman Ehm asked, in terms of changes to the rules, if existing facilities are grandfathered in.

Mr. Stokes stated that the construction standards would apply to new facilities but old facilities would be dealt with differently. He expanded on that topic.

Rozanne King asked about the current allowance for groundwater levels and whether it can be above the liner level.

Mr. Stokes stated that it cannot be above the liner.

Mr. Stokes commented that the Commission may have heard there was a commitment made by Don Paulin that when these recommendations were completed a copy would be given to other interested groups before coming to the Commission. Mr. Stokes indicated that the copies did not go out due to an error on his part, as he was not aware of that commitment at the time. He related that copies of the recommendations will be mailed to those groups.

Chairman Ehm stated that at the next meeting the Commission might want to review exactly what role AACO is to play in this, prior to getting into discussion. He related that his understanding is that AACO is to make recommendations to the department, and the department then brings forth the rules to the Commission. He added that the Commission needs to keep in perspective that it is the department staff that is recommending the rules as they are moved forward.

Charlotte Mohr asked if the department receives any report on the ag drainage wells that are completed or on areas that have been done.

Mr. Stokes stated that if a person is going to install a new ag drainage well they need a permit from the department and staff have not received any applications for ag drainage well installation. He added that the department has been working with the Department of Agriculture and Land Stewardship (DALs) to develop a set of rules pertaining to ag drainage wells, which will be brought to the Commission next month.

Discussion followed regarding the EQUIP program.

INFORMATIONAL ONLY

PROPOSED CONTESTED CASE DECISION--WEBER CONSTRUCTION, INC.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On September 20, 1995, the department issued Administrative Order No. 95-AQ-31 to Weber construction, Inc. That action required compliance with asbestos NESHAP regulations and assessed a penalty of \$4000. That action was appealed by Weber Construction, Inc., and the matter proceeded to administrative hearing on April 25, 1997. The Administrative Law Judge issued a Proposed Decision on May 12, 1997. The decision affirms the department's Order, with the exception of reducing the penalty.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case involving demolition of an old Chevrolet garage without providing proper notices and for improper asbestos handling.

The Commission took no action; this has the effect of upholding the ALJ decision in the absence of an appeal.

ALJ DECISION UPHELD

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission will be asked to refer the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. A. J. DeCoster (Wright County) - water quality
- b. R. B. Schoenherr, dba Long Branch Tavern (Monmouth) - drinking water
- c. Advanced Technologies Corporation (Cedar Falls) - air quality (tabled)

R. B. Schoenherr, dba Long Branch Tavern

Mr. Murphy briefed the Commission on the history of this case involving the failure to sample public drinking water supplies. He related that three Administrative Orders have been issued to this party in the past.

Motion was made by Terrance Townsend for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

REFERRED

Advanced Technologies Corp.

Mr. Murphy reviewed that staff brought two referrals before the Commission in April involving Advanced Technologies Corporation, one of them involving Kimball Ridge Care Facility and the other University of Iowa Hospitals School. He related that after discussions at that meeting staff agreed to review the assertions being made by Advanced Technologies and to meet with them. He added that staff have met with them and as a result have decided to handle the Kimball Ridge matter administratively, but staff feel the Hospital School case still warrants referral. He noted that they have found additional information through the University Hospital employees which indicate there are further problems that need to be addressed. He stated that it involves violation of the work practice standards through handling of asbestos during removal, in which asbestos containing materials were left after the removal. Mr. Murphy related that the arguments made by Advanced Technologies relating to the removal activities in the kitchen are not sufficient to overcome referral. He added that he can provide rebuttal for those assertions. He reviewed that Advanced Technologies has had two prior Administrative Orders and one prior court action which is additional reasoning to justify the request for referral.

Terrance Townsend asked if the June 21 samples in the first floor hallway were from work in the ceiling or on overhead pipes.

Mr. Murphy replied that it involved work on water pipe, which he assumes was in the ceiling.

Terrance Townsend commented about the fire alarm being set off due to the amount of dust present in the air, and asked if that area was enclosed.

Mr. Murphy stated that his understanding was that the hallway was done with the area enclosed.

Appointment - Mike Llewellyn

Mike Llewellyn, President, Advanced Technologies Corporation, gave a history of the company and mentioned a number of high profile clients. He reviewed that in April the Commission requested his company to meet with the DNR and AG's Office within the next 60 days. He related that he met with Ann Preziosi of DNR but there was no one present from the AG's

Office and he was disappointed in that. Mr. Llewellyn noted that none of his facts had changed but Ms. Preziosi was stuck on some points. He stated that he cannot not discuss other areas mentioned by Mr. Murphy because he was not aware of those problems. He added that they have had two random site visits from DNR since April. He stated that his company was running a "glove bag" operation in which all of the asbestos is kept on the inside of the bag, and this controls any dust getting into the air. He expanded on the operation discussing air monitoring, results of the tests, and painting of the fittings whereby the fumes set off the fire alarm. He ~~discussed the overall issues at length centering primarily on the point that the "clump" of~~ material alluded to was only a speck of dust. He related that the samples were not accurate samples as they were a visual estimate. In conclusion, he asked that the Commission let him work it out with the DNR staff rather than refer it.

Discussion followed in regard to wetting the pipes before removing material, procedures for using the glove bag, and air monitoring for quality control.

Rozanne King asked if Mr. Llewellyn was familiar with the report on the hallway in which it states the bulk samples were pieces of material that could be picked up by hand, and that one of the asbestos containing pieces of pipe wrap material was 5-6 inches wide.

Mr. Llewellyn stated that a third party comes in to visually inspect the area when his people are done with the job. He added that their job is to do the visual inspection and if it's clean they do the air clearance testing, and if that passes the company is allowed to go ahead and tear down. He related that inspection was done and an air clearance test was done meaning that the area was visually clean. He noted that if a piece of debris was found, it was not harming anybody because it has to be airborne to become a hazard.

Mr. Murphy stated that the case is not about a speck of asbestos, adding that there are eyewitnesses who saw a trail of debris and dust leading from the offices, across the kitchen floor, toward the loading dock. Dust and debris was found on the office furniture and the kitchen preparation surfaces. He related that the kitchen crew had cleaned up much of the debris, but the witnesses will testify as to the debris, including clumps, which the department does not define as dust or pinheads. He added that they may be small clumps but are capable of being picked up by hands. Mr. Murphy stated that in regard to the meeting with Advanced Technologies, staff contacted the AG's Office but they do not want to get involved before a case has been referred to them, adding that when they receive a case they want to do an independent, thorough review of all the facts presented by both sides. He related that they chose not to attend the meeting. He noted that all of the issues raised in the April meeting regarding the factual and legal disputes were addressed and agreement could not be reached on those issues. Mr. Murphy noted that those disputes need to be resolved either through review by the AG's Office or by a judge. He expanded on details of the asbestos violations.

Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Charlotte Mohr.

Rozanne King stated that in the department's chronology she would like to see a more specifics built in such as in the term "on a later date." She added that there are other factors beyond the realm of the Commission that need to be explored.

Rita Venner asked if the fine will remain the same upon referral.

Mr. Murphy replied that the fine is the staff recommendation to the AG's Office and if the Commission has questions on those types of things they can go into closed session.

Vote on Commissioner King's motion to refer carried unanimously.

REFERRED

A. J. DeCoster

Mr. Murphy stated that this referral involves two separate incidents which occurred in Wright County, in mid-February, as a result of land application of swine waste when the ground was frozen. He noted that in mid-February there was a snow melt situation whereby runoff occurred and two complaints were received, one at Nursery 7 and the other at Sow 11. He related that in both cases staff investigated and documented that there was runoff water that was contaminated with swine manure and was entering the waters of the state. Samples showed that the material was high in ammonia and BOD and there was documented impact on the streams. Mr. Murphy stated that these incidents follow several Administrative Orders and three pending referrals to the AG's Office, and staff feel this matter should also be referred.

Appointment - Bill Smith

Bill Smith, Attorney for DeCoster Farms, stated that the things that apply to DeCoster are treated differently than they are to others. He related that he has heard that it is because DeCoster has other offenses. He noted that DNR rules do not prohibit application of manure on frozen ground as long as the slope is not greater than 4 degrees or in the alternative if one is not taking care of contour farming. He related that the slopes were not greater than 4 percent and the application was consistent with the manure management plan (MMP). He stated that at Sow 11 the manure was applied several months before the snow runoff and at Nursery 7 a portion of the manure was applied within two weeks before the snow melt. He read an excerpt from 455B.203 pertaining to MMP's, and noted that this is not a proper matter for referral.

Discussion followed regarding violations of the MMP and not being subject to penalties.

Mr. Murphy stated that his understanding of 455B.203 is that the legislature does not want the department to take criminal action for technical violations of MMP's.

Appointment - Dave Sheridan

Dave Sheridan, Attorney General Office, addressed the Commission stating that he will join in DNR's recommendations to the Commission for referring both of the matters, given the long history of previous violations. He stated that Mike Murphy's interpretation of 455B.203 is correct.

Motion was made by Rita Venner for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

REFERRED

GENERAL DISCUSSION**Maple Grove Decision on Review**

Chairman Ehm distributed copies of two versions of the Decision on Review for Maple Grove Hog Producers, which was prepared following the Commission's decision in this matter last month. He noted that one version was prepared by the Attorney General's Office and the other by DNR. He asked the Commission to review the documents to make sure it is what the Commission meant by their decision last month.

Rita Venner stated that she does not see the item she thought was important, and that was the specific purpose of locating the mobile home so as to thwart the construction of the hog facility.

Director Wilson commented that it is spelled out in paragraph 2, on the first page.

Mr. Stokes reviewed the following version prepared by DNR:

BEFORE THE IOWA ENVIRONMENTAL PROTECTION COMMISSION

IN THE MATTER OF:)
) CASE #96DNR018
MAPLE GROVE HOG PRODUCERS,)
INC., Agenda Item 14)
) DECISION ON REVIEW
Appellant.)

This matter comes before the Environmental Protection Commission on appeal. The appellant seeks review of a Proposed Decision and Order by an Administrative Law Judge. The matter under appeal is denial of issuance of a construction permit for a proposed confinement feeding operation to Maple Grove Hog Producers, Inc. by the Department of Natural Resources.

The Administrative Law Judge proposed to uphold the department in determining the permit should be denied.

Prior to Maple Grove Hog Producers, Inc. filing a permit application with the department for construction of regulated structures of a confinement animal feeding operation, person(s) located a trailer on property adjacent to the proposed location of regulated structures. This trailer was located so that the proposed facility could not comply with separation distance requirements of Iowa Code section 455B.162(1) (a), if the trailer were considered a residence.

The primary issue at question is whether the trailer located on adjacent property should be considered a residence for purposes of determining compliance with separation distance requirements of Iowa Code section 455B.162(1) (a).

Upon careful review of the record and decision we find the trailer should not be considered a residence for purposes of determining compliance with separation distance requirements of Iowa Code section 455B.162(1) (a).. Although some signs were present at the trailer that could give indication the trailer could be a dwelling, we believe better evidence indicates it was not a legitimate and viable residence as contemplated by Iowa Code section 455B.162(1) (a). The trailer was not connected to a viable and appropriate public sewage treatment system or an approved private septic system. The trailer was not connected to a viable and appropriate potable public water supply system or an approved private water well. We believe this is clear indication this trailer was not a legitimate residence, and should not have been considered a residence for purposes of determining compliance with separation distance requirements of Iowa Code section 455B.162(1) (a).. We therefore conclude the proposed construction would not violate the separation distance requirements of the Code and that a permit for construction of the proposed facility should not be denied on the basis of failure to meet separation distances to this trailer.

Dated this _____ day of May, 1997.

FOR THE COMMISSION:

The Commission agreed by consensus that the DNR version will be the final written decision of the Commission.

Charlotte Mohr asked if Maple Grove can then proceed with their facility.

Mr. Murphy stated that the permit will not automatically be issued, adding that the department will take action to issue the permit unless there are other problems, and the intervenors have the right to appeal the decision of the Commission to the courts.

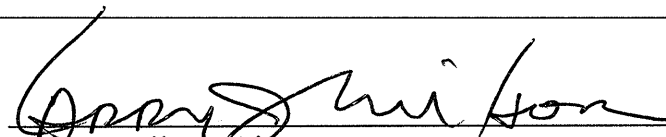
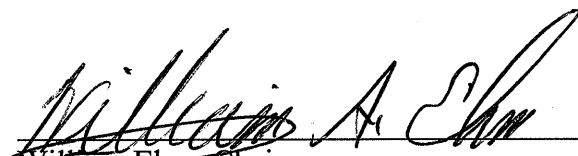
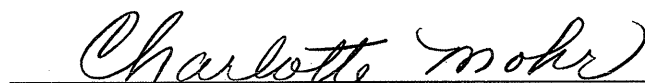
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July 21, 1997

August 18, 1997

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 2:45 p.m., Monday, June 16, 1997.


Larry J. Wilson, Director
William Ehm, Chair
Charlotte Mohr, Secretary

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